



COMMITTEE ON CONSERVATION & STATE LANDS

**WEDNESDAY, MARCH 26, 2008
5:15 PM – 7:00 PM
216 THE CAPITOL**

REVISED3

**Marco Rubio
Speaker**

**Rep. Will Kendrick
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Conservation & State Lands

Start Date and Time: Wednesday, March 26, 2008 05:15 pm or 10 minutes after Session

End Date and Time: Wednesday, March 26, 2008 07:00 pm

Location: 216 Capitol

Duration: 1.75 hrs

Consideration of the following bill(s):

HB 31 Springs Protection by Boyd

Consideration of recommendations with respect to Proposed Council Bill ENRC 08-09, relating to Florida Forever Successor.

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed member shall be 6:00p.m., Tuesday, March 25, 2008.

NOTICE FINALIZED on 03/24/2008 16:23 by SIMS-DAVIS.LINDA

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1 A bill to be entitled
 2 An act relating to state lands; amending s Paragraph (a)
 3 of subsection (1) of section 201.15F.S.; Subsection (1) of
 4 section 215.618, F.S.; amending subsection (1) of s.
 5 253.002, F.S.; amending s. 253.0325, F.S.; amending
 6 subsections (1), (2), (4), (5) and (6)s. 253.034, F.S.;
 7 transferring the Florida Community Trust from Department
 8 of Community Affairs to the Department of Environmental
 9 Protection; amending s. 259.032, F.S.; amending s.
 10 259.035, F.S.; amending s. 259.036, F.S.; amending s.
 11 259.037.F.S. .; amending s. 259.105, F.S.; providing an
 12 effective date.

14 Be It Enacted by the Legislature of the State of Florida:

17 Section 1. Paragraph (a) of subsection (1) of section
 18 201.15, Florida Statutes, is amended to read:

19 201.15 Distribution of taxes collected.--All taxes
 20 collected under this chapter shall be distributed as follows and
 21 shall be subject to the service charge imposed in s. 215.20(1),
 22 except that such service charge shall not be levied against any
 23 portion of taxes pledged to debt service on bonds to the extent
 24 that the amount of the service charge is required to pay any
 25 amounts relating to the bonds:

26 (1) Sixty-two and sixty-three hundredths percent of the
 27 remaining taxes collected under this chapter shall be used for
 28 the following purposes:

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29 (a) Amounts as shall be necessary to pay the debt service
 30 on, or fund debt service reserve funds, rebate obligations, or
 31 other amounts payable with respect to Preservation 2000 bonds
 32 issued pursuant to s. 375.051 and Florida Forever bonds issued
 33 pursuant to s. 215.618, shall be paid into the State Treasury to
 34 the credit of the Land Acquisition Trust Fund to be used for
 35 such purposes. The amount transferred to the Land Acquisition
 36 Trust Fund shall not exceed \$300 million in fiscal year 1999-
 37 2000 and thereafter for Preservation 2000 bonds and bonds issued
 38 to refund Preservation 2000 bonds, and \$300 million in fiscal
 39 year 2000-2001 and thereafter for Florida Forever bonds. The
 40 annual amount transferred to the Land Acquisition Trust Fund for
 41 Florida Forever bonds shall not exceed \$30 million in the first
 42 fiscal year in which bonds are issued. The limitation on the
 43 amount transferred shall be increased by an additional \$30
 44 million in each subsequent fiscal year, but shall not exceed a
 45 total of \$300 million in any fiscal year for all bonds issued.
 46 It is the intent of the Legislature that all bonds issued to
 47 fund the Florida Forever Act be retired by December 31, 2033
 48 ~~2030~~. Except for bonds issued to refund previously issued bonds,
 49 no series of bonds may be issued pursuant to this paragraph
 50 unless such bonds are approved and the debt service for the
 51 remainder of the fiscal year in which the bonds are issued is
 52 specifically appropriated in the General Appropriations Act. For
 53 purposes of refunding Preservation 2000 bonds, amounts
 54 designated within this section for Preservation 2000 and Florida
 55 Forever bonds may be transferred between the two programs to the
 56 extent provided for in the documents authorizing the issuance of

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57 | the bonds. The Preservation 2000 bonds and Florida Forever bonds
 58 | shall be equally and ratably secured by moneys distributable to
 59 | the Land Acquisition Trust Fund pursuant to this section, except
 60 | to the extent specifically provided otherwise by the documents
 61 | authorizing the issuance of the bonds. No moneys transferred to
 62 | the Land Acquisition Trust Fund pursuant to this paragraph, or
 63 | earnings thereon, shall be used or made available to pay debt
 64 | service on the Save Our Coast revenue bonds.

65 | Section 2. Subsection (1) of section 215.618, Florida
 66 | Statutes, is amended to read:

67 | 215.618 Bonds for acquisition and improvement of land,
 68 | water areas, and related property interests and resources.--

69 | (1) (a) The issuance of Florida Forever bonds, not to
 70 | exceed \$3.2 ~~\$3~~ billion, to finance or refinance the cost of
 71 | acquisition and improvement of land, water areas, and related
 72 | property interests and resources, in urban and rural settings,
 73 | for the purposes of restoration, conservation, recreation, water
 74 | resource development, or historical preservation, and for
 75 | capital improvements to lands and water areas that accomplish
 76 | environmental restoration, enhance public access and
 77 | recreational enjoyment, promote long-term management goals, and
 78 | facilitate water resource development is hereby authorized,
 79 | subject to the provisions of s. 259.105 and pursuant to s.
 80 | 11(e), Art. VII of the State Constitution. Florida Forever bonds
 81 | may also be issued to refund Preservation 2000 bonds issued
 82 | pursuant to s. 375.051. The \$3.2 ~~\$3~~ billion limitation on the
 83 | issuance of Florida Forever bonds does not apply to refunding
 84 | bonds. The duration of each series of Florida Forever bonds

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85 issued may not exceed 20 annual maturities. Preservation 2000
 86 bonds and Florida Forever bonds shall be equally and ratably
 87 secured by moneys distributable to the Land Acquisition Trust
 88 Fund pursuant to s. 201.15(1)(a), except to the extent
 89 specifically provided otherwise by the documents authorizing the
 90 issuance of the bonds.

91 (b) Beginning July 1, 2013, the Legislature shall analyze
 92 the state's debt ratio in relation to projected revenues prior
 93 to the authorization of any bonds for land acquisition.

94 (c) By February 1, 2010, the Legislature shall complete an
 95 analysis of potential revenue sources for Florida Forever.

96 Section 3. The Florida Communities Trust of the Department
 97 of Community Affairs is hereby transferred by a type two
 98 transfer as define in s. 20.06(2), Florida Statutes, to the
 99 Department of Environmental Protection.

100 Section 4. The Division of Statutory Revision of the Joint
 101 Legislative Management Committee is requested to prepare a
 102 reviser's bill to conform the Florida Statutes to the
 103 organizational changes made by this act.

104 Section 5. Subsection (1) of section 253.002, Florida
 105 Statutes, is amended to read:

106 253.002 Department of Environmental Protection, water
 107 management districts, Fish and Wildlife Conservation Commission,
 108 and Department of Agriculture and Consumer Services; duties with
 109 respect to state lands.--

110 (1) The Department of Environmental Protection shall
 111 perform all staff duties and functions related to the
 112 acquisition, administration, and disposition of state lands,

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113 title to which is or will be vested in the Board of Trustees of
 114 the Internal Improvement Trust Fund. The Fish and Wildlife
 115 Conservation Commission and the Department of Agriculture and
 116 Consumer Service are designated the state's primary land
 117 managers. The duties and responsibility of the state's primary
 118 land managers include, but not limited to, concurrently
 119 developing the land management plans required pursuant to
 120 253.034(5), implementing the land management plans, and the
 121 monitoring the results of the land management activities.
 122 However, upon the effective date of rules adopted pursuant to s.
 123 373.427, a water management district created under s. 373.069
 124 shall perform the staff duties and functions related to the
 125 review of any application for authorization to use board of
 126 trustees-owned submerged lands necessary for an activity
 127 regulated under part IV of chapter 373 for which the water
 128 management district has permitting responsibility as set forth
 129 in an operating agreement adopted pursuant to s. 373.046(4); and
 130 the Department of Agriculture and Consumer Services shall
 131 perform the staff duties and functions related to the review of
 132 applications and compliance with conditions for use of board of
 133 trustees-owned submerged lands under authorizations or leases
 134 issued pursuant to ss. 253.67-253.75 and 597.010. Unless
 135 expressly prohibited by law, the board of trustees may delegate
 136 to the department any statutory duty or obligation relating to
 137 the acquisition, administration, or disposition of lands, title
 138 to which is or will be vested in the board of trustees. The
 139 board of trustees may also delegate to any water management
 140 district created under s. 373.069 the authority to take final

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141 agency action, without any action on behalf of the board, on
 142 applications for authorization to use board of trustees-owned
 143 submerged lands for any activity regulated under part IV of
 144 chapter 373 for which the water management district has
 145 permitting responsibility as set forth in an operating agreement
 146 adopted pursuant to s. 373.046(4). This water management
 147 district responsibility under this subsection shall be subject
 148 to the department's general supervisory authority pursuant to s.
 149 373.026(7). The board of trustees may also delegate to the
 150 Department of Agriculture and Consumer Services the authority to
 151 take final agency action on behalf of the board on applications
 152 to use board of trustees-owned submerged lands for any activity
 153 for which that department has responsibility pursuant to ss.
 154 253.67-253.75 and 597.010. However, the board of trustees shall
 155 retain the authority to take final agency action on establishing
 156 any areas for leasing, new leases, expanding existing lease
 157 areas, or changing the type of lease activity in existing
 158 leases. Upon issuance of an aquaculture lease or other real
 159 property transaction relating to aquaculture, the Department of
 160 Agriculture and Consumer Services must send a copy of the
 161 document and the accompanying survey to the Department of
 162 Environmental Protection.

163 Section 6. Section 253.0325, Florida Statutes, is amended
 164 to read:

165 253.0325 Modernization of state lands records.--

166 (1) The Department of Environmental Protection shall
 167 initiate an ongoing computerized information systems program to
 168 modernize its state lands records and documents that relate to

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169 lands to which title is vested in the Board of Trustees of the
 170 Internal Improvement Trust Fund. The program shall include, at a
 171 minimum:

172 (a) A document management component to automate the
 173 storage and retrieval of information contained in state lands
 174 records.

175 (b) A land records management component to organize the
 176 records by key elements present in the data.

177 (c) An evaluation component which includes the collection
 178 of resource and environmental data.

179 (d) A mapping component to generate and store maps of
 180 state-owned parcels using data from the land records management
 181 and evaluation components.

182 (2) The Department of Environmental Protection shall
 183 initiate and maintain an information system that is the basis
 184 for land acquisition and land management decision making and
 185 modeling. The information system shall map in an electronic
 186 format the natural communities on each tract of state land and
 187 proposed land acquisition. Natural community are defined as a
 188 distinct and recurring assemblage of populations of plants,
 189 animals, fungi and microorganisms naturally associated with each
 190 other and their physical environment. Each natural community
 191 will further partitioned into natural community categories.
 192 Each natural community category will be further partitioned into
 193 natural community groups. Each natural community group will
 194 further partition into natural community types. The Departmetn
 195 of Agriculture and Consumer Services and the Fish and Wildlife
 196 Conservation Commission will assist in the development and

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197 standardization of such a system. The Department of
 198 Environmental Protection may utilize a third party for the
 199 information system and its data. The Information system and its
 200 data are to be proprietary to the state.

201 ~~(3)-(2)~~ At all stages of its records modernization program,
 202 the department shall seek to ensure information systems
 203 compatibility within the department and with other state, local,
 204 and regional governmental agencies. The department also shall
 205 seek to promote standardization in the collection of information
 206 regarding state-owned lands by federal, state, regional, and
 207 local agencies.

208 ~~(4)-(3)~~ The information collected and stored as a result of
 209 the department's modernization of state lands records shall not
 210 be considered a final or complete accounting of lands which the
 211 state owns or to which the state may claim ownership.

212 Section 7. Subsections (1), (2), (4), (5) and (6) of section
 213 253.034, Florida Statutes, are amended to read:

214 253.034 State-owned lands; uses.--

215 (1) All lands acquired pursuant to chapter 259 shall be
 216 managed to serve the public interest by protecting and
 217 conserving land, air, water, and the state's natural resources,
 218 which contribute to the public health, welfare, and economy of
 219 the state. These lands shall be managed to provide for areas of
 220 recreation, including but not limited to, natural resource based
 221 recreation, and to ensure the survival of plant and animal
 222 species and the conservation of finite and renewable natural
 223 resources. The state's lands and natural resources shall be
 224 managed using a stewardship ethic that assures these resources

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225 will be available for the benefit and enjoyment of all people of
 226 the state, both present and future. It is the intent of the
 227 Legislature that, where feasible and consistent with the goals
 228 of protection and conservation of natural resources associated
 229 with lands held in the public trust by the Board of Trustees of
 230 the Internal Improvement Trust Fund, public land not designated
 231 for single-use purposes pursuant to paragraph (2) (b) be managed
 232 for multiple-use purposes. All multiple-use land management
 233 strategies shall address public access and enjoyment, resource
 234 conservation and protection, ecosystem maintenance and
 235 protection, and protection of threatened and endangered species,
 236 and the degree to which public-private partnerships or
 237 endowments may allow the entity with management responsibility
 238 to enhance its ability to manage these lands. The council
 239 created in s. 259.035 shall recommend rules to the board of
 240 trustees, and the board shall adopt rules necessary to carry out
 241 the purposes of this section.

242 (2) As used in this section, the following phrases have
 243 the following meanings:

244 (a) "Multiple use" means the harmonious and coordinated
 245 management of timber, recreation, conservation of fish and
 246 wildlife, forage, archaeological and historic sites, habitat and
 247 other biological resources, or water resources so that they are
 248 utilized in the combination that will best serve the people of
 249 the state, making the most judicious use of the land for ~~some~~ or
 250 all of these resources and giving consideration to the relative
 251 values of the various resources. Where necessary and appropriate
 252 for all state-owned lands that are larger than 1,000 acres in

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253 project size and are managed for multiple uses, buffers may be
 254 formed around any areas that require special protection or have
 255 special management needs. Such buffers shall not exceed more
 256 than one-half of the total acreage. Multiple uses within a
 257 buffer area may be restricted to provide the necessary buffering
 258 effect desired. Multiple use in this context includes both uses
 259 of land or resources by more than one management entity, which
 260 may include private sector land managers. In any case, lands
 261 identified as multiple-use lands in the land management plan
 262 shall be managed to enhance public access and conserve the lands
 263 and resources for the enjoyment of the people of the state.

264 (b) "Single use" means management for one particular
 265 purpose to the exclusion of all other purposes, except that the
 266 using entity shall have the option of including in its
 267 management program compatible secondary purposes which will not
 268 detract from or interfere with the primary management purpose.
 269 Such single uses may include, but are not necessarily restricted
 270 to, the use of agricultural lands for production of food and
 271 livestock, the use of improved sites and grounds for
 272 institutional purposes, ~~and the use of lands for parks,~~
 273 ~~preserves, wildlife management,~~ archaeological or historic
 274 sites, designated preserves, or wilderness areas where the
 275 maintenance of essentially natural conditions is important. All
 276 submerged lands shall be considered single-use lands and shall
 277 be managed primarily for the maintenance of essentially natural
 278 conditions, the propagation of fish and wildlife, and public
 279 recreation, including hunting and fishing where deemed

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280 appropriate by the managing entity, except where public access
 281 to state waters are enhanced.

282 (c) "Conservation lands" means state owned lands that are
 283 currently managed by the Department of Agriculture and Consumer
 284 Services and the Fish and Wildlife Conservation Commission for
 285 conservation, outdoor ~~resource-based~~ recreation, or
 286 archaeological or historic preservation, ~~except those lands that~~
 287 ~~were acquired solely to facilitate the acquisition of other~~
 288 ~~conservation lands.~~ Lands acquired for uses other than
 289 conservation, outdoor resource-based recreation, or
 290 archaeological or historic preservation shall not be designated
 291 conservation lands ~~except as otherwise authorized under this~~
 292 ~~section.~~ These lands shall include, but not be limited to, the
 293 following: correction and detention facilities, military
 294 installations and facilities, state office buildings,
 295 maintenance yards, state university or state community college
 296 campuses, agricultural field stations or offices, tower sites,
 297 law enforcement and license facilities, laboratories, hospitals,
 298 clinics, and other sites that possess no significant natural or
 299 historical resources. ~~However, lands acquired solely to~~
 300 ~~facilitate the acquisition of other conservation lands, and for~~
 301 ~~which the land management plan has not yet been completed or~~
 302 ~~updated, may be evaluated by the Board of Trustees of the~~
 303 ~~Internal Improvement Trust Fund on a case by case basis to~~
 304 ~~determine if they will be designated conservation lands.~~

305
 306 Lands acquired by the state as a gift, through donation, or by
 307 any other conveyance for which no consideration was paid, and

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308 which are not managed for conservation, outdoor resource-based
 309 recreation, or archaeological or historic preservation under a
 310 land management plan approved by the board of trustees are not
 311 conservation lands.

312 (5) State lands shall be managed to ensure the
 313 conservation of the state’s plant and animal species and to
 314 assure the accessibility of public lands for the benefit and
 315 enjoyment all people of the state, both present and future. The
 316 Department of Agriculture and Consumer Services and the Fish and
 317 Wildlife Conservation Commission shall concurrently prepare land
 318 management plans for state lands. Each land management plan
 319 shall provide a desired outcome with measurable objectives to
 320 obtain the desired outcome. The desired outcome shall at a
 321 minimum include sustainability, improving habitat and increasing
 322 public access and will be the basis for all subsequent land
 323 management activities.

324 (a) To ensure the desired outcome is achieved, state lands
 325 shall be managed to achieve the following objectives.

- 326 1. Habitat restoration and improvement.
- 327 2. Public access and recreation.
- 328 3. Hydrological preservation and restoration.
- 329 4. Forest management.
- 330 5. Exotic and invasive species control.
- 331 6. Financial sustainability of land management activities.

332 (b) The land management plan shall at a minimum contain
 333 the following elements.

- 334 1. Physical description of the property

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335 2. A quantitative data description of the property to
 336 include a survey of forest resources; exotic and invasive
 337 plants; hydrological features; capital facilities, including
 338 recreational facilities. The description shall be of such
 339 detail that objective measures and benchmarks can be established
 340 for each tract of land and monitored during the lifetime of the
 341 plan. All quantitative data collected shall be aggregated,
 342 standardized, collected and presented in an electronic format to
 343 allow for management reporting and analysis. The information
 344 collected by the Department of Environmental Protection pursuant
 345 to 253.0325(2) shall available to the land manager and their
 346 assignee.

347 3. A detailed description of each land management
 348 objective and the activities that are to be performed to meet
 349 the land management objectives. Each land management objective
 350 must be addressed by the land management plan but no land
 351 management objective shall be performed to the detriment of the
 352 other land management objectives.

353 4. An activity matrix shall be prepared that contain a
 354 timeline, quantitative measurements, detailed expense and
 355 manpower budgets for each activity. The activity matrix is to
 356 provide a management tool that facilitates development of
 357 performance measures.

358 5. A summary budget for the land management activities of
 359 the land management plan. The summary budget shall be prepared
 360 in such a manner that it facilitates an aggregate of land
 361 management costs for all state lands.

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362 (c) Upon completion, the land management plan will be
 363 transmitted to the Acquisition and Restoration Council for
 364 review. After a 30 day review and comment period, the land
 365 management plan will become operational. If issues arise during
 366 the review and comment period that require revisions to the land
 367 management plan, the Secretary of the Department of
 368 Environmental Protection, Commissioner of Agriculture and
 369 Consumer Services, the Fish and Wildlife Commission or their
 370 delegates shall develop a consensus for land management plan
 371 changes and redraft the plan. During the redrafting period, no
 372 funds for the management of the land may be expended other than
 373 those to address emergency situations.

374 (d) Annually, the state lands with an approved land
 375 management plan must be monitored by the Fish and Wildlife
 376 Commission and reviewed by a certified third party. The Fish
 377 and Wildlife Commission will prepare a monitoring report that
 378 accounts for the progress of land management activities and
 379 specifically identifies deficiencies in the management
 380 activities. The monitoring report shall be submitted to the
 381 Department of Agriculture and Consumer Services and the
 382 Acquisition and Restoration Council. The third party review and
 383 analysis of the management plan shall identify the progress of
 384 the management activities. The third party review and analysis
 385 shall provide suggested corrective actions needed to be taken by
 386 the land manager to address identified deficiencies. The third
 387 party review and analysis are to be submitted to the Department
 388 of Agriculture and Consumer Services, the Fish and Wildlife
 389 Conservation Commission, the Acquisition and Restoration

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390 Council. The Acquisition and Restoration Council shall review
 391 the monitoring report and the third party review and analysis
 392 and determine which deficiencies are of a significant
 393 consequence require a corrective action plan or revision to the
 394 land management plan. Such corrective actions and revision
 395 shall be brought in front of board who will determine whether
 396 the corrective actions and revision sufficiently address the
 397 identified deficiencies. Corrective actions plans shall be
 398 prepared and submitted in the same manner as the land management
 399 plan.

400 (e) Land management plans are to be prepared on rotating
 401 basis on a 10 year cycle.

402 (f) In developing and management plans at least two public
 403 hearings will be held.

404 ~~Each manager of conservation lands shall submit to the~~
 405 ~~Division of State Lands a land management plan at least every 10~~
 406 ~~years in a form and manner prescribed by rule by the board and~~
 407 ~~in accordance with the provisions of s. 259.032. Each manager of~~
 408 ~~conservation lands shall also update a land management plan~~
 409 ~~whenever the manager proposes to add new facilities or make~~
 410 ~~substantive land use or management changes that were not~~
 411 ~~addressed in the approved plan, or within 1 year of the addition~~
 412 ~~of significant new lands. Each manager of nonconservation lands~~
 413 ~~shall submit to the Division of State Lands a land use plan at~~
 414 ~~least every 10 years in a form and manner prescribed by rule by~~
 415 ~~the board. The division shall review each plan for compliance~~
 416 ~~with the requirements of this subsection and the requirements of~~
 417 ~~the rules established by the board pursuant to this section. All~~

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418 ~~land use plans, whether for single use or multiple use~~
 419 ~~properties, shall include an analysis of the property to~~
 420 ~~determine if any significant natural or cultural resources are~~
 421 ~~located on the property. Such resources include archaeological~~
 422 ~~and historic sites, state and federally listed plant and animal~~
 423 ~~species, and imperiled natural communities and unique natural~~
 424 ~~features. If such resources occur on the property, the manager~~
 425 ~~shall consult with the Division of State Lands and other~~
 426 ~~appropriate agencies to develop management strategies to protect~~
 427 ~~such resources. Land use plans shall also provide for the~~
 428 ~~control of invasive nonnative plants and conservation of soil~~
 429 ~~and water resources, including a description of how the manager~~
 430 ~~plans to control and prevent soil erosion and soil or water~~
 431 ~~contamination. Land use plans submitted by a manager shall~~
 432 ~~include reference to appropriate statutory authority for such~~
 433 ~~use or uses and shall conform to the appropriate policies and~~
 434 ~~guidelines of the state land management plan. Plans for managed~~
 435 ~~areas larger than 1,000 acres shall contain an analysis of the~~
 436 ~~multiple use potential of the property, which analysis shall~~
 437 ~~include the potential of the property to generate revenues to~~
 438 ~~enhance the management of the property. Additionally, the plan~~
 439 ~~shall contain an analysis of the potential use of private land~~
 440 ~~managers to facilitate the restoration or management of these~~
 441 ~~lands. In those cases where a newly acquired property has a~~
 442 ~~valid conservation plan that was developed by a soil and~~
 443 ~~conservation district, such plan shall be used to guide~~
 444 ~~management of the property until a formal land use plan is~~
 445 ~~completed.~~

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446 (g)(a) Each land manager ~~The Division of State Lands~~ shall
 447 make available to the public an electronic ~~a~~ copy a copy of each
 448 land management plan ~~for parcels that exceed 160 acres in size.~~
 449 The council shall review each plan for compliance with the
 450 requirements of this subsection, the requirements of chapter
 451 259, ~~and the requirements of the rules established by the board~~
 452 ~~pursuant to this section.~~ The council shall also consider the
 453 propriety of the recommendations of the managing entity with
 454 regard to the future use of the property, the protection of
 455 fragile or nonrenewable resources, the potential for alternative
 456 or multiple uses not recognized by the managing entity, and the
 457 possibility of disposal of the property by the board. After its
 458 review, the council shall submit the plan, along with its
 459 recommendations and comments, to the board. The council shall
 460 specifically recommend to the board whether to approve the plan
 461 as submitted, approve the plan with modifications, or reject the
 462 plan.

463 (h)(b) The Board of Trustees of the Internal Improvement
 464 Trust Fund shall consider the land management plan submitted by
 465 each entity and the recommendations of the council and the
 466 Division of State Lands and shall approve the plan ~~with or~~
 467 ~~without modification~~ or reject such plan. The use or possession
 468 of any such lands that is not in accordance with an approved
 469 land management plan is subject to termination by the board.

470 (6) The Board of Trustees of the Internal Improvement
 471 Trust Fund shall determine which lands, the title to which is
 472 vested in the board, may be surplus. For conservation lands,
 473 the board shall make a determination that the lands are no

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474 longer needed for conservation purposes and may dispose of them
 475 by an affirmative vote of at least three members. In the case of
 476 a land exchange involving the disposition of conservation lands,
 477 the board must determine by an affirmative vote of at least
 478 three members that the exchange will result in a net positive
 479 conservation benefit. For all other lands, the board shall make
 480 a determination that the lands are no longer needed and may
 481 dispose of them by an affirmative vote of at least three
 482 members.

483 (a) For the purposes of this subsection, all state owned
 484 lands managed by the Department of Agriculture and Consumer
 485 Services and the Fish and Wildlife Conservation Commission, and
 486 all lands acquired by the state prior to July 1, 1999, using
 487 proceeds from the Preservation 2000 bonds, the Conservation and
 488 Recreation Lands Trust Fund, the Water Management Lands Trust
 489 Fund, Environmentally Endangered Lands Program, and the Save Our
 490 Coast Program and titled to the board, which lands are
 491 identified as core parcels or within original project
 492 boundaries, shall be deemed to have been acquired for
 493 conservation purposes.

494 (b) For any lands purchased by the state on or after July
 495 1, 1999, a determination shall be made by the board prior to
 496 acquisition as to those parcels that shall be designated as
 497 having been acquired for conservation purposes. No lands
 498 acquired for use by the Department of Corrections, the
 499 Department of Management Services for use as state offices, the
 500 Department of Transportation, except those specifically managed
 501 for conservation or recreation purposes, or the State University

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502 System or the Florida Community College System shall be
 503 designated as having been purchased for conservation purposes.

504 (c) At least every 10 years, ~~as a component of each land~~
 505 ~~management plan or land use plan~~ and in a form and manner
 506 prescribed by rule by the board, each manager shall evaluate and
 507 indicate to the board those lands that are not being used for
 508 the purpose for which they were originally leased. For
 509 conservation lands, the council shall review and shall recommend
 510 to the board whether such lands should be retained in public
 511 ownership or disposed of by the board. For nonconservation
 512 lands, the division shall review such lands and shall recommend
 513 to the board whether such lands should be retained in public
 514 ownership or disposed of by the board.

515 (d) Lands owned by the board which are not actively
 516 managed by any state agency or for which a land management plan
 517 has not been completed pursuant to subsection (5) shall be
 518 reviewed by the council or its successor for its recommendation
 519 as to whether such lands should be managed by a private
 520 contractor, leased or disposed of by the board.

521 (e) Prior to any decision by the board to surplus lands,
 522 the Acquisition and Restoration Council shall review and make
 523 recommendations to the board concerning the request for
 524 surplusings. The council shall determine whether the request for
 525 surplusings is compatible with the resource values of and
 526 management objectives for such lands.

527 (f)1. In reviewing lands owned by the board, the council
 528 shall consider whether such lands would be more appropriately
 529 owned or managed by the county or other unit of local government

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530 in which the land is located. The council shall recommend to the
 531 board whether a sale, lease, or other conveyance to a local
 532 government would be in the best interests of the state and local
 533 government. The provisions of this paragraph in no way limit the
 534 provisions of ss. 253.111 and 253.115. Such lands shall be
 535 offered to the state, county, or local government for a period
 536 of 30 days. Permittable uses for such surplus lands may include
 537 public schools; public libraries; fire or law enforcement
 538 substations; governmental, judicial, or recreational centers;
 539 and affordable housing meeting the criteria of s. 420.0004(3).
 540 County or local government requests for surplus lands shall be
 541 expedited throughout the surplus process. If the county or
 542 local government does not elect to purchase such lands in
 543 accordance with s. 253.111, then any surplus determination
 544 involving other governmental agencies shall be made upon the
 545 board deciding the best public use of the lands. Surplus
 546 properties in which governmental agencies have expressed no
 547 interest shall then be available for sale on the private market.
 548 ~~2. Notwithstanding subparagraph 1., any parcel of surplus~~
 549 ~~lands less than 3 acres in size which was acquired by the state~~
 550 ~~before 1955 by gift or other conveyance or for \$1 consideration~~
 551 ~~from a fair association incorporated under chapter 616 for the~~
 552 ~~purpose of conducting and operating public fairs or expositions,~~
 553 ~~and concerning which the department has filed by July 1, 2008, a~~
 554 ~~notice of intent to dispose of as surplus lands, shall be~~
 555 ~~offered for reconveyance to such fair association for no~~
 556 ~~consideration; however, the agency that last held the lease from~~
 557 ~~the board for management of such lands may remove from the lands~~

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558 ~~any improvements, fixtures, goods, wares, and merchandise within~~
 559 ~~180 days after the effective date of the reconveyance. This~~
 560 ~~subparagraph expires July 1, 2008.~~

561 (g) The sale price of lands determined to be surplus
 562 pursuant to this subsection shall be determined by the division
 563 and shall take into consideration an appraisal of the property,
 564 or, when the estimated value of the land is less than \$100,000,
 565 a comparable sales analysis or a broker's opinion of value, and
 566 the price paid by the state to originally acquire the lands.

567 1.a. A written valuation of land determined to be surplus
 568 pursuant to this subsection, and related documents used to form
 569 the valuation or which pertain to the valuation, are
 570 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 571 of the State Constitution until 2 weeks before the contract or
 572 agreement regarding the purchase, exchange, or disposal of the
 573 surplus land is first considered for approval by the board.

574 Notwithstanding the exemption provided under this subparagraph,
 575 the division may disclose appraisals, valuations, or valuation
 576 information regarding surplus land during negotiations for the
 577 sale or exchange of the land, during the marketing effort or
 578 bidding process associated with the sale, disposal, or exchange
 579 of the land to facilitate closure of such effort or process,
 580 when the passage of time has made the conclusions of value
 581 invalid, or when negotiations or marketing efforts concerning
 582 the land are concluded.

583 b. This subparagraph is subject to the Open Government
 584 Sunset Review Act of 1995 in accordance with s. 119.15, and

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585 shall stand repealed on October 2, 2009, unless reviewed and
 586 saved from repeal through reenactment by the Legislature.

587 2. A unit of government that acquires title to lands
 588 hereunder for less than appraised value may not sell or transfer
 589 title to all or any portion of the lands to any private owner
 590 for a period of 10 years. Any unit of government seeking to
 591 transfer or sell lands pursuant to this paragraph shall first
 592 allow the board of trustees to reacquire such lands for the
 593 price at which the board sold such lands.

594 (h) Where a unit of government acquired land by gift,
 595 donation, grant, quitclaim deed, or other such conveyance where
 596 no monetary consideration was exchanged, the price of land sold
 597 as surplus may be based on one appraisal. In the event that a
 598 single appraisal yields a value equal to or greater than \$1
 599 million, a second appraisal is required. The individual or
 600 entity requesting the surplus shall select and use appraisers
 601 from the list of approved appraisers maintained by the Division
 602 of State Lands in accordance with s. 253.025(6)(b). The
 603 individual or entity requesting the surplus is to incur all
 604 costs of the appraisals.

605 (i) After reviewing the recommendations of the council,
 606 the board shall determine whether lands identified for surplus
 607 are to be held for other public purposes or whether such lands
 608 are no longer needed. The board may require an agency to release
 609 its interest in such lands. For an agency that has requested the
 610 use of a property that was to be declared as surplus, said
 611 agency must have the property under lease within 6 months of the

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612 date of expiration of the notice provisions required under this
 613 subsection and s. 253.111.

614 (j) Requests for surplusing may be made by any public or
 615 private entity or person. All requests shall be submitted to the
 616 lead managing agency for review and recommendation to the
 617 council or its successor. Lead managing agencies shall have 90
 618 days to review such requests and make recommendations. Any
 619 surplusing requests that have not been acted upon within the 90-
 620 day time period shall be immediately scheduled for hearing at
 621 the next regularly scheduled meeting of the council or its
 622 successor. Requests for surplusing pursuant to this paragraph
 623 shall not be required to be offered to local or state
 624 governments as provided in paragraph (f).

625 (k) Proceeds from any sale of surplus lands pursuant to
 626 this subsection shall be deposited into the fund from which such
 627 lands were acquired. However, if the fund from which the lands
 628 were originally acquired no longer exists, such proceeds shall
 629 be deposited into an appropriate account to be used for land
 630 management ~~by the lead managing agency assigned the lands prior~~
 631 ~~to the lands being declared surplus.~~ Funds received from the
 632 sale of surplus nonconservation lands, or lands that were
 633 acquired by gift, by donation, or for no consideration, shall be
 634 deposited into the Internal Improvement Trust Fund.

635 (l) Notwithstanding the provisions of this subsection, no
 636 such disposition of land shall be made if such disposition would
 637 have the effect of causing all or any portion of the interest on
 638 any revenue bonds issued to lose the exclusion from gross income
 639 for federal income tax purposes.

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640 (m) The sale of filled, formerly submerged land that does
 641 not exceed 5 acres in area is not subject to review by the
 642 council or its successor.

643 (n) The board may adopt rules to implement the provisions
 644 of this section, which may include procedures for administering
 645 surplus land requests and criteria for when the division may
 646 approve requests to surplus nonconservation lands on behalf of
 647 the board.

648 Section 8. Section 259.032, Florida Statutes, is amended
 649 to read:

650 259.032 Conservation and Recreation Lands Trust Fund;
 651 purpose.--

652 (1) It is the policy of the state that the citizens of
 653 this state shall be assured public ownership of natural areas
 654 for purposes of maintaining this state's unique natural
 655 resources; protecting air, land, and water quality; promoting
 656 water resource development to meet the needs of natural systems
 657 and citizens of this state; promoting restoration activities on
 658 public lands; and providing lands for recreation, including but
 659 not limited to, natural resource based recreation. In
 660 recognition of this policy, it is the intent of the Legislature
 661 to provide such public lands for the people residing in urban
 662 and metropolitan areas of the state, as well as those residing
 663 in less populated, rural areas. It is the further intent of the
 664 Legislature, with regard to the lands described in paragraph
 665 (3)(c), that a high priority be given to the acquisition of such
 666 lands in or near counties exhibiting the greatest concentration
 667 of population and, with regard to the lands described in

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668 subsection (3), that a high priority be given to acquiring lands
 669 or rights or interests in lands within any area designated as an
 670 area of critical state concern under s. 380.05 which, in the
 671 judgment of the advisory council established pursuant to s.
 672 259.035, or its successor, cannot be adequately protected by
 673 application of land development regulations adopted pursuant to
 674 s. 380.05. Finally, it is the Legislature's intent that lands
 675 acquired through this program and any successor programs be
 676 managed in such a way as to protect or restore their natural
 677 resource values, and provide the greatest benefit, including
 678 public access, to the citizens of this state.

679 (2)

680 (a) The Conservation and Recreation Lands Trust Fund is
 681 established within the Department of Environmental Protection.
 682 The fund shall be used as a nonlapsing, revolving fund
 683 exclusively for the purposes of this section. The fund shall be
 684 credited with proceeds from the following excise taxes:

685 1. The excise taxes on documents as provided in s. 201.15;
 686 and

687 2. The excise tax on the severance of phosphate rock as
 688 provided in s. 211.3103.

689
 690 The Department of Revenue shall credit to the fund each month
 691 the proceeds from such taxes as provided in this paragraph.

692 (b) There shall annually be transferred from the
 693 Conservation and Recreation Lands Trust Fund to the Land
 694 Acquisition Trust Fund that amount, not to exceed \$20 million
 695 annually, as shall be necessary to pay the debt service on, or

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696 fund debt service reserve funds, rebate obligations, or other
 697 amounts with respect to bonds issued pursuant to s. 375.051 to
 698 acquire lands on the established priority list developed
 699 pursuant to ss. 259.101(4) and 259.105; however, no moneys
 700 transferred to the Land Acquisition Trust Fund pursuant to this
 701 paragraph, or earnings thereon, shall be used or made available
 702 to pay debt service on the Save Our Coast revenue bonds. Amounts
 703 transferred annually from the Conservation and Recreation Lands
 704 Trust Fund to the Land Acquisition Trust Fund pursuant to this
 705 paragraph shall have the highest priority over other payments or
 706 transfers from the Conservation and Recreation Lands Trust Fund,
 707 and no other payments or transfers shall be made from the
 708 Conservation and Recreation Lands Trust Fund until such
 709 transfers to the Land Acquisition Trust Fund have been made.
 710 Moneys in the Conservation and Recreation Lands Trust Fund also
 711 shall be used to manage lands and to pay for related costs,
 712 activities, and functions pursuant to the provisions of this
 713 section.

714 (3) The Governor and Cabinet, sitting as the Board of
 715 Trustees of the Internal Improvement Trust Fund, may allocate
 716 moneys from the fund in any one year to acquire the fee or any
 717 lesser interest in lands for the following public purposes:

718 (a) To conserve and protect environmentally unique and
 719 irreplaceable lands that contain native, relatively unaltered
 720 flora and fauna representing a natural area unique to, or scarce
 721 within, a region of this state or a larger geographic area;

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722 (b) To conserve and protect lands within designated areas
 723 of critical state concern, if the proposed acquisition relates
 724 to the natural resource protection purposes of the designation;

725 (c) To conserve and protect native species habitat or
 726 endangered or threatened species, emphasizing long-term
 727 protection for endangered or threatened species designated G-1
 728 or G-2 by the Florida Natural Areas Inventory, and especially
 729 those areas that are special locations for breeding and
 730 reproduction;

731 (d) To conserve, protect, manage, or restore important
 732 ecosystems, landscapes, and forests, if the protection and
 733 conservation of such lands is necessary to enhance or protect
 734 significant surface water, groundwater, coastal, recreational,
 735 timber, or fish or wildlife resources which cannot otherwise be
 736 accomplished through local and state regulatory programs;

737 (e) To promote water resource development that benefits
 738 natural systems and citizens of the state;

739 (f) To facilitate the restoration and subsequent health
 740 and vitality of the Florida Everglades;

741 (g) To provide areas, including recreational trails, for
 742 natural resource based recreation and other outdoor recreation
 743 on any part of any site compatible with conservation purposes;

744 (h) To preserve significant archaeological or historic
 745 sites; or

746 (i) To conserve urban open spaces suitable for greenways
 747 or outdoor recreation which are compatible with conservation
 748 purposes.

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749 (j) To preserve agricultural lands under threat of
 750 conversion to development through less-than-fee aquisitions.

751 (4)

752 (a) Lands acquired under this section shall be for use as
 753 state-designated parks, recreation areas, preserves, reserves,
 754 historic or archaeological sites, geologic or botanical sites,
 755 recreational trails, forests, wilderness areas, wildlife
 756 management areas, urban open space, or other state-designated
 757 recreation or conservation lands; or they shall qualify for such
 758 state designation and use if they are to be managed by other
 759 governmental agencies or nonstate entities as provided for in
 760 this section.

761 (b) In addition to the uses allowed in paragraph (a),
 762 moneys may be transferred from the Conservation and Recreation
 763 Lands Trust Fund to the Florida Forever Trust Fund or the Land
 764 Acquisition Trust Fund. This paragraph expires July 1, 2007.

765 (5) The board of trustees may allocate, in any year, an
 766 amount not to exceed 5 percent of the money credited to the fund
 767 in that year, such allocation to be used for the purposes of
 768 ~~253.0325(2) the initiation and maintenance of a natural areas~~
 769 ~~inventory to aid in the identification of areas to be acquired~~
 770 ~~pursuant to this section.~~

771 (6) Moneys in the fund not needed to meet obligations
 772 incurred under this section shall be deposited with the Chief
 773 Financial Officer to the credit of the fund and may be invested
 774 in the manner provided by law. Interest received on such
 775 investments shall be credited to the Conservation and Recreation
 776 Lands Trust Fund.

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777 (7) The board of trustees may enter into any contract
 778 necessary to accomplish the purposes of this section. The lead
 779 land managing agencies designated by the board of trustees also
 780 are directed by the Legislature, to the greatest extent
 781 possible, to enter into contracts or interagency agreements with
 782 other governmental entities, including local soil and water
 783 conservation districts, or private land managers who have the
 784 expertise to perform specific management activities which a lead
 785 agency lacks, or which would cost more to provide in-house. Such
 786 activities shall include, but not be limited to, controlled
 787 burning, road and ditch maintenance, mowing, and wildlife
 788 assessments.

789 (8) Lands to be considered for purchase under this section
 790 are subject to the selection procedures of s. 259.035 and
 791 related rules and shall be acquired in accordance with
 792 acquisition procedures for state lands provided for in s.
 793 259.041, except as otherwise provided by the Legislature. An
 794 inholding or an addition to a project selected for purchase
 795 pursuant to this chapter is not subject to the selection
 796 procedures of s. 259.035 if the estimated value of such
 797 inholding or addition does not exceed \$500,000. When at least 90
 798 percent of the acreage of a project has been purchased pursuant
 799 to this chapter, the project may be removed from the list and
 800 the remaining acreage may continue to be purchased. Moneys from
 801 the fund may be used for title work, appraisal fees,
 802 environmental audits, and survey costs related to acquisition
 803 expenses for lands to be acquired, donated, or exchanged which
 804 qualify under the categories of this section, at the discretion

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805 of the board. When the Legislature has authorized the Department
 806 of Environmental Protection to condemn a specific parcel of land
 807 and such parcel has already been approved for acquisition under
 808 this section, the land may be acquired in accordance with the
 809 provisions of chapter 73 or chapter 74, and the fund may be used
 810 to pay the condemnation award and all costs, including a
 811 reasonable attorney's fee, associated with condemnation.

812 (9) All lands managed under this chapter and s. 253.034
 813 shall be:

814 (a) Managed in a manner that will provide the greatest
 815 combination of benefits to the public, including public access,
 816 and to the resources.

817 (b) Managed for public ~~outdoor~~ recreation which is
 818 compatible with the conservation and protection of public lands.
 819 Such management may include, but not be limited to, the
 820 following public recreational uses: fishing, hunting, camping,
 821 bicycling, hiking, nature study, swimming, boating, canoeing,
 822 horseback riding, diving, model hobbyist activities, birding,
 823 sailing, jogging, and other related outdoor activities
 824 compatible with the purposes for which the lands were acquired.

825 (c) Managed for the purposes for which the lands were
 826 acquired, consistent with paragraph (11) (a).

827 (d) Concurrent with its adoption of the annual
 828 Conservation and Recreation Lands list of acquisition projects
 829 pursuant to s. 259.035, the board of trustees shall adopt a
 830 management prospectus for each project. The management
 831 prospectus shall delineate:

832 1. The management goals for the property;

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833 2. The conditions that will affect the intensity of
 834 management;

835 3. An estimate of the revenue-generating potential of the
 836 property, if appropriate;

837 4. A timetable for implementing the various stages of
 838 management and for providing access to the public, if
 839 applicable;

840 5. A description of potential multiple-use activities as
 841 described in this section and s. 253.034;

842 6. Provisions for protecting existing infrastructure and
 843 for ensuring the security of the project upon acquisition;

844 7. The anticipated costs of management and projected
 845 sources of revenue, including legislative appropriations, to
 846 fund management needs; and

847 8. Recommendations as to how many employees will be needed
 848 to manage the property, and recommendations as to whether local
 849 governments, volunteer groups, the former landowner, or other
 850 interested parties can be involved in the management.

851 The costs of infrastructure and management identified in the
 852 management prospectus will be standardized and aggregated in a
 853 manner sufficient to allow reporting to board of trustee and the
 854 legislature.

855 (e) Concurrent with the approval of the acquisition
 856 contract pursuant to s. 259.041(3)(c) for any interest in lands
 857 except those lands being acquired under the provisions of s.
 858 259.1052, the board of trustees shall designate an agency or
 859 agencies to manage such lands. The board shall evaluate and
 860 amend, as appropriate, the management policy statement for the

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861 project as provided by s. 259.035, consistent with the purposes
 862 for which the lands are acquired. For any fee simple acquisition
 863 of a parcel which is or will be leased back for agricultural
 864 purposes, or any acquisition of a less-than-fee interest in land
 865 that is or will be used for agricultural purposes, the Board of
 866 Trustees of the Internal Improvement Trust Fund shall first
 867 consider having a soil and water conservation district, created
 868 pursuant to chapter 582, manage and monitor such interests.

869 (f) State agencies designated to manage lands acquired
 870 under this chapter except those lands acquired under s. 259.1052
 871 may contract with local governments, ~~and~~ soil and water
 872 conservation districts, and private entities to assist in
 873 management activities, ~~including the responsibility of being the~~
 874 ~~lead land manager~~. Such land management contracts may include a
 875 provision for the transfer of management funding to the local
 876 government or soil and water conservation district from the
 877 Conservation and Recreation Lands Trust Fund in an amount
 878 adequate for the local government or soil and water conservation
 879 district to perform its contractual land management
 880 responsibilities and proportionate to its responsibilities, and
 881 which otherwise would have been expended by the state agency to
 882 manage the property.

883 (g) Immediately following the acquisition of any interest
 884 in lands under this chapter, the Department of Environmental
 885 Protection, acting on behalf of the board of trustees, may issue
 886 to the lead managing entity an interim assignment letter to be
 887 effective until the execution of a formal lease.

888 (10)

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889 (a) State, regional, or local governmental agencies or
 890 private entities designated to manage lands under this section
 891 shall develop and adopt, with the approval of the board of
 892 trustees, an individual land management plan for each project
 893 designed to conserve and protect such lands and their associated
 894 natural resources. Private sector involvement in land management
 895 plan development may be used to expedite the planning process.

896 (b) Individual land management plans required by s.
 897 253.034(5), ~~for parcels over 160 acres,~~ shall be developed with
 898 input from an advisory group. Members of this advisory group
 899 shall include, at a minimum, representatives of the lead land
 900 managing agency, comanaging entities, local private property
 901 owners, the appropriate soil and water conservation district, a
 902 local conservation organization, and a local elected official.
 903 The advisory group shall conduct at least two public hearings
 904 ~~one public hearing~~ within the county in which the parcel or
 905 project is located. For those parcels or projects that are
 906 within more than one county, at least one additional areawide
 907 public hearing ~~shall be acceptable~~ and the lead managing agency
 908 shall invite a local elected official from each county. The
 909 areawide public hearing shall be held in the county in which the
 910 core parcels are located. Notice of such public hearing shall be
 911 posted on the parcel or project designated for management,
 912 advertised in a paper of general circulation, and announced at a
 913 scheduled meeting of the local governing body before the actual
 914 public hearing. The management prospectus required pursuant to
 915 paragraph (9) (d) shall be available to the public for a period
 916 of 30 days prior each ~~to the~~ public hearing.

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917 (c) Once a plan is adopted, the managing agency or entity
 918 shall update the plan at least every 10 years in a form and
 919 manner prescribed by rule of the board of trustees. Such
 920 updates, for parcels over 160 acres, shall be developed with
 921 input from an advisory group. Such plans may include transfers
 922 of leasehold interests to appropriate conservation organizations
 923 or governmental entities designated by the Land Acquisition and
 924 Management Advisory Council or its successor, for uses
 925 consistent with the purposes of the organizations and the
 926 protection, preservation, conservation, restoration, and proper
 927 management of the lands and their resources. Volunteer
 928 management assistance is encouraged, including, but not limited
 929 to, assistance by youths participating in programs sponsored by
 930 state or local agencies, by volunteers sponsored by
 931 environmental or civic organizations, and by individuals
 932 participating in programs for committed delinquents and adults.

933 (d)1. For each project for which lands are acquired after
 934 July 1, 2008 ~~1995~~, an individual land management plan shall be
 935 adopted and in place no later than 1 year after the essential
 936 parcel or parcels identified in the priority list developed
 937 pursuant to ss. 259.101(4) and 259.105 have been acquired. The
 938 Department of Environmental Protection shall distribute only 75
 939 percent of the acquisition funds to which a budget entity or
 940 water management district would otherwise be entitled from the
 941 Preservation 2000 Trust Fund to any budget entity or any water
 942 management district that has more than one-third of its land
 943 management plans overdue.

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944 2. The requirements of subparagraph 1. do not apply to the
 945 individual management plan for the Babcock Crescent B Ranch
 946 being acquired pursuant to s. 259.1052. The management plan for
 947 the ranch shall be adopted and in place no later than 2 years
 948 following the date of acquisition by the state.

949 (e) Individual land management plans shall conform to the
 950 requirements of 253.034(5) and the appropriate policies and
 951 guidelines of the state land management plan and shall include,
 952 but not be limited to:

953 1. A statement of the purpose for which the lands were
 954 acquired, the projected use or uses as defined in s. 253.034,
 955 and the statutory authority for such use or uses.

956 2. Key management activities necessary to achieve the
 957 desired outcome, including but not limited, providing public
 958 access, preserving and protecting natural resources and
 959 restoring habitat, controlling the spread of nonnative plants
 960 and animals, performing prescribed fire activities and other
 961 appropriate resource management activities ~~preserve and protect~~
 962 ~~natural resources and restore habitat, and for controlling the~~
 963 ~~spread of nonnative plants and animals, and for prescribed fire~~
 964 ~~and other appropriate resource management activities.~~

965 3. A specific description of how the managing agency plans
 966 to identify, locate, protect, and preserve, or otherwise use
 967 fragile, nonrenewable natural and cultural resources.

968 4. A priority schedule for conducting management
 969 activities, based on the desired outcome of the land management
 970 plan ~~purposes for which the lands were acquired.~~

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971 5. A cost estimate for conducting priority management
972 activities, to include recommendations for cost-effective
973 methods of accomplishing those activities.

974 6. A cost estimate for conducting other management
975 activities which would enhance the natural resource value or
976 public recreation value for which the lands were acquired. The
977 cost estimate shall include recommendations for cost-effective
978 methods of accomplishing those activities.

979 7. A determination of the public uses and public access
980 that are to be provided and would be consistent with the
981 purposes for which the lands were acquired.

982 (f) The Division of State Lands shall submit a copy of
983 each individual land management plan for parcels ~~which exceed~~
984 ~~160 acres in size~~ to each member of the Land Acquisition and
985 Management Advisory Council or its successor, which shall:

986 1. Within 60 days after receiving a plan from the
987 division, review each plan for compliance with the requirements
988 of this subsection, 253.034(5), and with the requirements of the
989 rules established by the board pursuant to this subsection.

990 2. Consider the propriety of the recommendations of the
991 managing agency with regard to the future use or protection of
992 the property.

993 3. After its review, submit the plan, along with its
994 recommendations and comments, to the board of trustees, with
995 recommendations as to whether to approve the plan as submitted,
996 ~~approve the plan with modifications,~~ or reject the plan.

997 (g) The board of trustees shall consider the individual
998 management plan submitted by each state agency and the

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999 recommendations of the Land Acquisition and Management Advisory
 1000 Council, or its successor, and the Division of State Lands and
 1001 shall approve the plan ~~with or without modification~~ or reject
 1002 such plan. The use or possession of any lands owned by the board
 1003 of trustees which is not in accordance with an approved
 1004 individual management plan is subject to termination by the
 1005 board of trustees.

1006
 1007 By July 1 of each year, each governmental agency and each
 1008 private entity designated to manage lands shall report to the
 1009 Secretary of Environmental Protection on the progress of
 1010 funding, staffing, and resource management of every project for
 1011 which the agency or entity is responsible.

1012 (11)

1013 (a) The Legislature recognizes that acquiring lands
 1014 pursuant to this chapter serves the public interest by
 1015 protecting land, air, and water resources which contribute to
 1016 the public health and welfare, providing areas for natural
 1017 resource based recreation, and ensuring the survival of unique
 1018 and irreplaceable plant and animal species. The Legislature
 1019 intends for these lands to be managed and maintained for the
 1020 purposes for which they were acquired and for the public to have
 1021 access to and use of these lands where it ~~is consistent with~~
 1022 ~~acquisition purposes~~ and would not harm the resources the state
 1023 is seeking to protect on the public's behalf.

1024 (b) An amount up to 1.5 percent of the cumulative total of
 1025 funds ever deposited into the Florida Preservation 2000 Trust
 1026 Fund and the Florida Forever Trust Fund shall be made available

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1027 for the purposes of management, maintenance, and capital
 1028 improvements not eligible for funding pursuant to s. 11(e), Art.
 1029 VII of the State Constitution, and for associated contractual
 1030 services, for lands acquired pursuant to this section, s.
 1031 259.101, s. 259.105, s. 259.1052, or previous programs for the
 1032 acquisition of lands for conservation and recreation, including
 1033 state forests, to which title is vested in the board of trustees
 1034 and other conservation and recreation lands managed by a state
 1035 agency. Of this amount, \$250,000 shall be transferred annually
 1036 to the Plant Industry Trust Fund within the Department of
 1037 Agriculture and Consumer Services for the purpose of
 1038 implementing the Endangered or Threatened Native Flora
 1039 Conservation Grants Program pursuant to s. 581.185(11). Each
 1040 agency with management responsibilities shall annually request
 1041 from the Legislature funds sufficient to fulfill such
 1042 responsibilities. For the purposes of this paragraph, capital
 1043 improvements shall include, but need not be limited to,
 1044 perimeter fencing, signs, firelanes, access roads and trails,
 1045 and minimal public accommodations, such as primitive campsites,
 1046 garbage receptacles, and toilets. Any equipment purchased with
 1047 funds provided pursuant to this paragraph may be used for
 1048 appropriate land management activities on state lands ~~the~~
 1049 ~~purposes described in this paragraph on any conservation and~~
 1050 ~~recreation lands managed by a state agency.~~

1051 (c) The Secretary of the Department of Environmental
 1052 Protection, the Executive Director of the Fish and Wildlife
 1053 Conservation Commission, and the Commissioner of Agriculture
 1054 shall prepare and deliver a report to the President of the

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1055 Senate and the Speaker of the House of Representatives no later
 1056 than December 31, 2008 that provides the methodology used and
 1057 recommendation that provides a formula to allocate land
 1058 management ~~In requesting~~ funds provided for in paragraph (b) for
 1059 long-term management of all acquisitions pursuant to this
 1060 chapter and for associated contractual services. The
 1061 methodology and formula shall recognize recognize, but not be
 1062 limited to, the following: ~~the managing agencies shall recognize~~
 1063 ~~the following categories of land management needs:~~
 1064 1. The assignment of management intensity associated with
 1065 the natural community categories, groups and types provided in
 1066 253.0325(2) and the related management activities to land
 1067 management goals provided in 253.034(5).
 1068 2. The assignment of management intensity associated with
 1069 public access, including but not limited to:
 1070 a. The acres of land which require minimal effort for
 1071 resource preservation, development, or restoration – these lands
 1072 generally are open to the public but offer no more than
 1073 minimally developed facilities;
 1074 b. The acres of land which require moderate effort for
 1075 resource preservation, development, or restoration – these lands
 1076 typically have a high degree of public use and offer highly
 1077 developed facilities;
 1078 c. The acres of land which require significant effort for
 1079 resource preservation, development, or restoration – these lands
 1080 generally are sites with historic significance or unique natural
 1081 features, and a very high degree of public use.

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1082 3. The acres of land with a secondary manager contributing
 1083 to the over-all management effort.

1084 4. The anticipated revenues generated from management of
 1085 the lands.

1086 5. The impacts of, and needs created or addressed by,
 1087 multiple-use management strategies.

1088 6. The acres of land with infestations of non-native or
 1089 invasive plants, animals, or fish.

1090 ~~1. Lands which are low-need tracts, requiring basic~~
 1091 ~~resource management and protection, such as state reserves,~~
 1092 ~~state preserves, state forests, and wildlife management areas.~~
 1093 ~~These lands generally are open to the public but have no more~~
 1094 ~~than minimum facilities development.~~

1095 ~~2. Lands which are moderate-need tracts, requiring more~~
 1096 ~~than basic resource management and protection, such as state~~
 1097 ~~parks and state recreation areas. These lands generally have~~
 1098 ~~extra restoration or protection needs, higher concentrations of~~
 1099 ~~public use, or more highly developed facilities.~~

1100 ~~3. Lands which are high-need tracts, with identified needs~~
 1101 ~~requiring unique site-specific resource management and~~
 1102 ~~protection. These lands generally are sites with historic~~
 1103 ~~significance, unique natural features, or very high intensity~~
 1104 ~~public use, or sites that require extra funds to stabilize or~~
 1105 ~~protect resources, such as lands with heavy infestations of~~
 1106 ~~nonnative, invasive plants.~~

1107
 1108 In evaluating the management funding needs of lands based on the
 1109 above categories, the lead land managing agencies shall include

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1110 | in their considerations the impacts of, and needs created or
 1111 | addressed by, multiple-use management strategies. Beginning
 1112 | July 1, 2009, no fund provided in paragraph (b) shall be
 1113 | allocated, distributed or expended until the allocation formula
 1114 | for funding land management activities has be affirmed by the
 1115 | legislature. Upon affirmation, the allocation formula will be
 1116 | used in the allocation and distribution of funds provided in
 1117 | paragraph (b).,

1118 | (d) All revenues generated through multiple-use management
 1119 | or compatible secondary-use management shall be returned to the
 1120 | lead agency responsible for such management and shall be used to
 1121 | pay for management activities on all conservation, preservation,
 1122 | and recreation lands under the agency's jurisdiction. In
 1123 | addition, such revenues shall be segregated in an agency trust
 1124 | fund and shall remain available to the agency in subsequent
 1125 | fiscal years to support land management appropriations. For the
 1126 | purposes of this paragraph, compatible secondary-use management
 1127 | shall be those activities described in subsection (9) undertaken
 1128 | on parcels designated as single use pursuant to s.
 1129 | 253.034(2)(b).

1130 | (e) Up to one-fifth of the funds provided for in paragraph
 1131 | (b) shall be reserved by the board of trustees for interim
 1132 | management of acquisitions and for associated contractual
 1133 | services, to ensure the conservation and protection of natural
 1134 | resources on project sites and to allow limited public
 1135 | recreational use of lands. Interim management activities may
 1136 | include, but not be limited to, resource assessments, control of
 1137 | invasive, nonnative species, habitat restoration, fencing, law

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1138 enforcement, controlled burning, and public access consistent
 1139 with preliminary determinations made pursuant to paragraph
 1140 (9) (g). The board of trustees shall make these interim funds
 1141 available immediately upon purchase.

1142 (f) The department shall set long-range and annual goals
 1143 for the control and removal of nonnative, invasive plant species
 1144 on public lands. Such goals shall differentiate between aquatic
 1145 plant species and upland plant species. In setting such goals,
 1146 the department may rank, in order of adverse impact, species
 1147 that impede or destroy the functioning of natural systems.
 1148 Notwithstanding paragraph (a), up to one-fourth of the funds
 1149 provided for in paragraph (b) may be used by the agencies
 1150 receiving those funds for control and removal of nonnative,
 1151 invasive species on public lands.

1152 (g) In addition to the purposes specified in paragraph
 1153 (b), funds from the 1.5 percent of the cumulative total of funds
 1154 ever deposited into the Florida Preservation 2000 Trust Fund and
 1155 the Florida Forever Trust Fund may be appropriated for the 2006-
 1156 2007 fiscal year for the construction of replacement museum
 1157 facilities. This paragraph expires July 1, 2007.

1158 (12)

1159 (a) Beginning July 1, 1999, the Legislature shall make
 1160 available sufficient funds annually from the Conservation and
 1161 Recreation Lands Trust Fund to the department for payment in
 1162 lieu of taxes to qualifying counties and local governments as
 1163 defined in paragraph (b) for all actual tax losses incurred as a
 1164 result of board of trustees acquisitions for state agencies
 1165 under the Florida Forever program or the Florida Preservation

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1166 2000 program during any year. Reserved funds not used for
 1167 payments in lieu of taxes in any year shall revert to the fund
 1168 to be used for land management in accordance with the provisions
 1169 of this section.

1170 (b) Payment in lieu of taxes shall be available:

1171 1. To all counties that have a population of 150,000 or
 1172 fewer. Population levels shall be determined pursuant to s.
 1173 11.031.

1174 2. To all local governments located in eligible counties.

1175 3. To Glades County, where a privately owned and operated
 1176 prison leased to the state has recently been opened and where
 1177 privately owned and operated juvenile justice facilities leased
 1178 to the state have recently been constructed and opened, a
 1179 payment in lieu of taxes, in an amount that offsets the loss of
 1180 property tax revenue, which funds have already been appropriated
 1181 and allocated from the Department of Correction's budget for the
 1182 purpose of reimbursing amounts equal to lost ad valorem taxes.

1183 (c) If insufficient funds are available in any year to
 1184 make full payments to all qualifying counties and local
 1185 governments, such counties and local governments shall receive a
 1186 pro rata share of the moneys available.

1187 (d) The payment amount shall be based on the average
 1188 amount of actual taxes paid on the property for the 3 years
 1189 preceding acquisition. Applications for payment in lieu of taxes
 1190 shall be made no later than January 31 of the year following
 1191 acquisition. No payment in lieu of taxes shall be made for
 1192 properties which were exempt from ad valorem taxation for the
 1193 year immediately preceding acquisition.

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1194 (e) If property which was subject to ad valorem taxation
 1195 was acquired by a tax-exempt entity for ultimate conveyance to
 1196 the state under this chapter, payment in lieu of taxes shall be
 1197 made for such property based upon the average amount of taxes
 1198 paid on the property for the 3 years prior to its being removed
 1199 from the tax rolls. The department shall certify to the
 1200 Department of Revenue those properties that may be eligible
 1201 under this provision. Once eligibility has been established,
 1202 that county or local government shall receive 10 consecutive
 1203 annual payments for each tax loss, and no further eligibility
 1204 determination shall be made during that period.

1205 (f) Payment in lieu of taxes pursuant to this subsection
 1206 shall be made annually to qualifying counties and local
 1207 governments after certification by the Department of Revenue
 1208 that the amounts applied for are reasonably appropriate, based
 1209 on the amount of actual taxes paid on the eligible property.
 1210 With the assistance of the local government requesting payment
 1211 in lieu of taxes, the state agency that acquired the land is
 1212 responsible for preparing and submitting application requests
 1213 for payment to the Department of Revenue for certification.

1214 (g) If the board of trustees conveys to a local government
 1215 title to any land owned by the board, any payments in lieu of
 1216 taxes on the land made to the local government shall be
 1217 discontinued as of the date of the conveyance.

1218
 1219 For the purposes of this subsection, "local government" includes
 1220 municipalities, the county school board, mosquito control
 1221 districts, and any other local government entity which levies ad

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1222 valorem taxes, with the exception of a water management
 1223 district.

1224 (13) Moneys credited to the fund each year which are not
 1225 used for management, maintenance, or capital improvements
 1226 pursuant to subsection (11); for payment in lieu of taxes
 1227 pursuant to subsection (12); or for the purposes of subsection
 1228 (5), shall be available for the acquisition of land pursuant to
 1229 this section.

1230 (14) The board of trustees may adopt rules to further
 1231 define the categories of land for acquisition under this
 1232 chapter.

1233 (15) Within 90 days after receiving a certified letter
 1234 from the owner of a property on the Conservation and Recreation
 1235 Lands list or the priority list established pursuant to s.
 1236 259.105 objecting to the property being included in an
 1237 acquisition project, where such property is a project or part of
 1238 a project which has not been listed for purchase in the current
 1239 year's land acquisition work plan, the board of trustees shall
 1240 delete the property from the list or from the boundary of an
 1241 acquisition project on the list.

1242 Section 9. Section 259.035, Florida Statutes, is amended
 1243 to read:

1244 259.035 Acquisition and Restoration Council.--

1245 (1) There is created the Acquisition and Restoration
 1246 Council.

1247 (a) The council shall be composed of nine voting members,
 1248 two ~~four~~ of whom shall be appointed by the Governor, one
 1249 appointed by the Commissioner of Agriculture and Consumer

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1250 Services, and one appointed by the Fish and Wildlife
 1251 Conservation Commission. These four appointees shall be from
 1252 scientific disciplines related to agriculture, land, water, or
 1253 environmental sciences. They shall serve 4-year terms, except
 1254 that, initially, to provide for staggered terms, two of the
 1255 appointees shall serve 2-year terms. All subsequent appointments
 1256 shall be for 4-year terms. No appointee shall serve more than 6
 1257 years. The Governor, Commissioner of Agriculture and Consumer
 1258 Services, or the Fish and Wildlife Conservation Commission may
 1259 at any time fill a vacancy for their receptive appointment for
 1260 the unexpired term of a member appointed under this paragraph.

1261 (b) The five remaining appointees shall be composed of the
 1262 Secretary of Environmental Protection, the director of the
 1263 Division of Forestry of the Department of Agriculture and
 1264 Consumer Services, the executive director of the Fish and
 1265 Wildlife Conservation Commission, the director of the Division
 1266 of Historical Resources of the Department of State, and the
 1267 secretary of the Department of Community Affairs, or their
 1268 respective designees.

1269 (c) The Governor shall appoint the chair of the council,
 1270 and a vice chair shall be elected from among the members.

1271 (d) The council shall hold periodic meetings at the
 1272 request of the chair.

1273 (e) The Department of Environmental Protection shall
 1274 provide primary staff support to the council and shall ensure
 1275 that council meetings are electronically recorded. Such
 1276 recording shall be preserved pursuant to chapters 119 and 257.

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1277 (f) The board of trustees has authority to adopt rules
 1278 pursuant to ss. 120.536(1) and 120.54 to implement the
 1279 provisions of this section.

1280 (2) The four appointed members of the council ~~appointed by~~
 1281 ~~the Governor~~ shall receive ~~\$75 per day while engaged in the~~
 1282 ~~business of the council, as well as~~ reimbursement for expenses
 1283 and per diem for travel to attend council meetings ~~, including~~
 1284 ~~attendance at meetings~~, as allowed state officers and employees
 1285 while in the performance of their duties, pursuant to s.
 1286 112.061.

1287 (3) The council shall provide assistance to the board of
 1288 trustees in reviewing the recommendations and plans for state-
 1289 owned lands required under ss. 253.034 and 259.032. The council
 1290 shall, in reviewing such recommendations and plans, consider the
 1291 optimization of multiple-use and conservation strategies to
 1292 accomplish the provisions funded pursuant to ss. 259.101(3) (a)
 1293 and 259.105(3) (b) .

1294 (4) The council may use existing rules adopted by the
 1295 board of trustees, until it develops and recommends amendments
 1296 to those rules, to competitively evaluate, select, and rank
 1297 projects eligible for the Conservation and Recreation Lands list
 1298 pursuant to ss. 259.032(3) and 259.101(4) and, beginning no
 1299 later than May 1, 2001, for Florida Forever funds pursuant to s.
 1300 259.105(3) (b) . In developing or amending the rules, the council
 1301 shall give weight to the criteria included in s. 259.105(10) .
 1302 The board of trustees shall review the recommendations and shall
 1303 adopt rules necessary to administer this section.

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1304 (5) An affirmative vote of five members of the council is
 1305 required in order to change a project boundary or to place a
 1306 proposed project on a list developed pursuant to subsection (4).
 1307 Any member of the council who by family or a business
 1308 relationship has a connection with all or a portion of any
 1309 proposed project shall declare the interest before voting on its
 1310 inclusion on a list.

1311 (6) The proposal for a project pursuant to this section or
 1312 s. 259.105(3)(b) may be implemented only if adopted by the
 1313 council and approved by the board of trustees. The council shall
 1314 consider and evaluate in writing the merits and demerits of each
 1315 project that is proposed for Conservation and Recreation Lands,
 1316 Florida Preservation 2000, or Florida Forever funding and shall
 1317 ensure that each proposed project will meet a stated public
 1318 purpose for the restoration, conservation, or preservation of
 1319 environmentally sensitive lands and water areas or for providing
 1320 ~~outdoor~~ recreational opportunities. The council also shall
 1321 determine whether the project conforms, where applicable, with
 1322 the comprehensive plan developed pursuant to s. 259.04(1)(a),
 1323 the comprehensive multipurpose outdoor recreation plan developed
 1324 pursuant to s. 375.021, the state lands management plan adopted
 1325 pursuant to s. 253.03(7), the water resources work plans
 1326 developed pursuant to s. 373.199, and the provisions of s.
 1327 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1328 Section 10. Section 259.036, Florida Statutes, is amended
 1329 to read:

1330 259.036 Management review teams.--

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1331 (1) To determine whether conservation, preservation, and
 1332 recreation lands titled in the name of the Board of Trustees of
 1333 the Internal Improvement Trust Fund are being managed for the
 1334 purposes for which they were acquired, and in accordance with a
 1335 land management plan adopted pursuant to s. 259.032, and
 1336 achieving the goals of the land management plans provided in
 1337 353.034(5), the board of trustees, acting through the Department
 1338 of Environmental Protection, shall cause periodic management
 1339 reviews to be conducted as follows:

1340 (a) The department shall establish a regional land
 1341 management review team composed of the following members:

1342 1. One individual who is from the county or local
 1343 community in which the parcel or project is located and who is
 1344 selected by the county commission in the county which is most
 1345 impacted by the acquisition.

1346 2. One individual from the Division of Recreation and
 1347 Parks of the department or one individual from the department's
 1348 district office in which the parcel is located.

1349 3. One individual from the Division of Forestry of the
 1350 Department of Agriculture and Consumer Services.

1351 4. One individual from the Fish and Wildlife Conservation
 1352 Commission.

1353 5. ~~One individual from the department's district office in~~
 1354 ~~which the parcel is located.~~

1355 6. A private land manager selected by the Department of
 1356 Agriculture and Consumer Services ~~mutually agreeable to the~~
 1357 ~~state agency representatives.~~

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1358 7. A member of the local soil and water conservation
1359 district board of supervisors.

1360 8. A member of a conservation organization.

1361 9. A private land manager selected by the Fish and
1362 Wildlife Conservation Commission.

1363 (b) The staff of the Division of State Lands shall act as
1364 the review team coordinator for the purposes of establishing
1365 schedules for the reviews and other staff functions. The
1366 Legislature shall appropriate funds necessary to implement land
1367 management review team functions.

1368 (2) The land management review team shall review select
1369 management areas prior to the date the manager is required to
1370 submit a 10-year land management plan update. For management
1371 areas that exceed 1,000 acres in size, the Division of State
1372 Lands shall schedule a land management review at least every 5
1373 years. A copy of the review shall be provided to the manager,
1374 the Division of State Lands, and the Acquisition and Restoration
1375 Council. The manager shall consider the findings and
1376 recommendations of the land management review team in finalizing
1377 the required 10-year update of its management plan.

1378 (3) In conducting a review, the land management review
1379 team shall evaluate the extent to which the existing management
1380 plan provides sufficient protection to threatened or endangered
1381 species, unique or important natural or physical features,
1382 geological or hydrological functions, or archaeological
1383 features. The review shall also evaluate the extent to which the
1384 land is being managed for the purposes for which it was acquired
1385 and the degree to which actual management practices, including

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1386 public access, are in compliance with the adopted management
 1387 plan.

1388 (4) In the event a land management plan has not been
 1389 adopted within the timeframes specified in s. 259.032(10), the
 1390 department may direct a management review of the property, to be
 1391 conducted by the land management review team. The review shall
 1392 consider the extent to which the land is being managed for the
 1393 purposes for which it was acquired and the degree to which
 1394 actual management practices are in compliance with the
 1395 management policy statement and management prospectus for that
 1396 property.

1397 (5) If the land management review team determines that
 1398 reviewed lands are not being managed for the purposes for which
 1399 they were acquired or in compliance with the adopted land
 1400 management plan, management policy statement, or management
 1401 prospectus, or if the managing agency fails to address the
 1402 review findings in the updated management plan, the department
 1403 shall provide the review findings to the board, and the managing
 1404 agency must report to the board its reasons for managing the
 1405 lands as it has.

1406 (6) No later than the second board meeting in October of
 1407 each year, the department shall report the annual review
 1408 findings of its land management review team.

1409 Section 11. Section 259.037, Florida Statutes, is amended
 1410 to read.

1411 259.037 Land Management Uniform Accounting Council.--

1412 (1) The Land Management Uniform Accounting Council is
 1413 created within the Department of Environmental Protection and

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1414 shall consist of the director of the Division of State Lands,
 1415 the director of the Division of Recreation and Parks, the
 1416 director of the Office of Coastal and Aquatic Managed Areas, and
 1417 the director of the Office of Greenways and Trails of the
 1418 Department of Environmental Protection; the director of the
 1419 Division of Forestry of the Department of Agriculture and
 1420 Consumer Services; the executive director of the Fish and
 1421 Wildlife Conservation Commission; and the director of the
 1422 Division of Historical Resources of the Department of State, or
 1423 their respective designees. Each state agency represented on the
 1424 council shall have one vote. The chair of the council shall
 1425 rotate annually in the foregoing order of state agencies. The
 1426 agency of the representative serving as chair of the council
 1427 shall provide staff support for the council. The Division of
 1428 State Lands shall serve as the recipient of and repository for
 1429 the council's documents. The council shall meet at the request
 1430 of the chair.

1431 (2) The Auditor General and the director of the Office of
 1432 Program Policy Analysis and Government Accountability, or their
 1433 designees, shall advise the council to ensure that appropriate
 1434 accounting procedures are utilized and that a uniform method of
 1435 collecting and reporting accurate costs of land management
 1436 activities are created and can be used by all agencies.

1437 (3) (a) All land management activities and costs must be
 1438 assigned to a specific category, and any single activity or cost
 1439 may not be assigned to more than one category. Administrative
 1440 costs, such as planning or training, shall be segregated from
 1441 other management activities. Specific management activities and

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1442 costs must initially be grouped, at a minimum, within the
 1443 following categories:

- 1444 ~~1.(a)~~ Resource management.
- 1445 ~~2.(b)~~ Administration.
- 1446 ~~3.(c)~~ New facility construction.
- 1447 ~~4.(d)~~ Facility maintenance.

1448
 1449 Upon adoption of the initial list of land management categories
 1450 by the council, agencies assigned to manage conservation or
 1451 recreation lands shall, on July 1, 2000, begin to account for
 1452 land management costs in accordance with the category to which
 1453 an expenditure is assigned.

1454 (b) Each reporting agency shall also:

1455 a. Include a report of the available public use options
 1456 for each tract of state land and the total management cost for
 1457 public access and public use and the cost associated with each
 1458 use option.

1459 b. List the acres of land requiring minimal management
 1460 effort, moderate management effort, and significant management
 1461 effort. For each category they shall include the amount of funds
 1462 requested, the amount of funds received, and the amount of funds
 1463 expended for land management. The report shall also include a
 1464 description of planned management activities and accomplished
 1465 land management activities.

1466 c. List acres managed and cost of management for each
 1467 tract by natural community delineation, based on the Florida
 1468 Natural Areas Inventory's 1990 hierarchical classification,

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1469 including the natural community category, the natural community
 1470 group, and the natural community type.

1471 d. List acres managed, cost of management, and lead
 1472 manager for state lands tracts for which secondary management
 1473 activities were provided.

1474 (4) The council shall report agencies' expenditures
 1475 pursuant to the adopted categories to the President of the
 1476 Senate and the Speaker of the House of Representatives annually,
 1477 beginning July 1, 2001. The council shall also provide this
 1478 report to the Acquisition and Restoration Council for inclusion
 1479 in its annual report required pursuant to s. 259.105.

1480 (5) Should the council determine that the list of land
 1481 management categories needs to be revised, it shall meet upon
 1482 the call of the chair.

1483 Section 12. Section 259.105, Florida Statutes, is amended
 1484 to read:

1485 259.105 The Florida Forever Act.--

1486 (1) This section may be cited as the "Florida Forever
 1487 Act."

1488 (2)

1489 (a) The Legislature finds and declares that:

1490 1. The Preservation 2000 program provided tremendous
 1491 financial resources for purchasing environmentally significant
 1492 lands to protect those lands from imminent development, thereby
 1493 assuring present and future generations access to important open
 1494 spaces and recreation and conservation lands.

1495 2. The continued alteration and development of Florida's
 1496 natural areas to accommodate the state's rapidly growing

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1497 | population have contributed to the degradation of water
 1498 | resources, the fragmentation and destruction of wildlife
 1499 | habitats, the loss of outdoor recreation space, and the
 1500 | diminishment of wetlands, forests, and public beaches.

1501 | 3. The potential development of Florida's remaining
 1502 | natural areas and escalation of land values require a
 1503 | continuation of government efforts to restore, bring under
 1504 | public protection, or acquire lands and water areas to preserve
 1505 | the state's invaluable quality of life.

1506 | 4. Florida's groundwater, surface waters, and springs are
 1507 | under tremendous pressure due to population growth and economic
 1508 | expansion and require special protection and restoration
 1509 | efforts. To ensure that sufficient quantities of water are
 1510 | available to meet the current and future needs of the natural
 1511 | systems and citizens of the state, and assist in achieving the
 1512 | planning goals of the department and the water management
 1513 | districts, water resource development projects on public lands,
 1514 | where compatible with the resource values of and management
 1515 | objectives for the lands, are appropriate.

1516 | 5. The needs of urban Florida for high-quality outdoor
 1517 | recreational opportunities, greenways, trails, and open space
 1518 | have not been fully met by previous acquisition programs.
 1519 | Through such programs as the Florida Communities Trust and the
 1520 | Florida Recreation Development Assistance Program, the state
 1521 | shall place additional emphasis on acquiring, protecting,
 1522 | preserving, and restoring open space, greenways, and recreation
 1523 | properties within urban areas where pristine natural communities

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1524 or water bodies no longer exist because of the proximity of
 1525 developed property.

1526 6. Many of Florida's unique ecosystems, such as the
 1527 Florida Everglades, are facing ecological collapse due to
 1528 Florida's burgeoning population. To preserve these valuable
 1529 ecosystems for future generations, parcels of land must be
 1530 acquired to facilitate ecosystem restoration.

1531 7. Access to public lands to support a broad range of
 1532 outdoor recreational opportunities and the development of
 1533 necessary infrastructure, where compatible with the resource
 1534 values of and management objectives for such lands, promotes an
 1535 appreciation for Florida's natural assets and improves the
 1536 quality of life.

1537 8. Acquisition of lands, in fee simple or in any lesser
 1538 interest, should be based on a comprehensive assessment of
 1539 Florida's natural resources and planned so as to protect the
 1540 integrity of ecological systems and provide multiple benefits,
 1541 including preservation of fish and wildlife habitat, recreation
 1542 space for urban as well as rural areas, and water recharge.

1543 9. The state has embraced performance-based program
 1544 budgeting as a tool to evaluate the achievements of publicly
 1545 funded agencies, build in accountability, and reward those
 1546 agencies which are able to consistently achieve quantifiable
 1547 goals. While previous and existing state environmental programs
 1548 have achieved varying degrees of success, few of these programs
 1549 can be evaluated as to the extent of their achievements,
 1550 primarily because performance measures, standards, outcomes, and
 1551 goals were not established at the outset. Therefore, the Florida

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1552 Forever program shall be developed and implemented in the
 1553 context of measurable state goals and objectives.

1554 10. It is the intent of the Legislature to change the
 1555 focus and direction of the state's major land acquisition
 1556 programs and to extend funding and bonding capabilities, so that
 1557 future generations may enjoy the natural resources of Florida.

1558 (b) The Legislature recognizes that acquisition is only
 1559 one way to achieve the aforementioned goals and encourages the
 1560 development of creative partnerships between governmental
 1561 agencies and private landowners. Land protection agreements and
 1562 similar tools should be used, where appropriate, to bring
 1563 environmentally sensitive tracts under an acceptable level of
 1564 protection at a lower financial cost to the public, and to
 1565 provide private landowners with the opportunity to enjoy and
 1566 benefit from their property.

1567
 1568 (c) Public agencies or other entities that receive funds
 1569 under this section are encouraged to better coordinate their
 1570 expenditures so that project acquisitions, when combined with
 1571 acquisitions under Preservation 2000, Save Our Rivers, the
 1572 Florida Communities Trust, and other public land acquisition
 1573 programs, will form more complete patterns of protection for
 1574 natural areas and functioning ecosystems, to better accomplish
 1575 the intent of this section.

1576 (d) A long-term financial commitment to managing Florida's
 1577 public lands must accompany any new land acquisition program to
 1578 ensure that the natural resource values of such lands are
 1579 protected, that the public has the opportunity to enjoy the

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1580 lands to their fullest potential, and that the state achieves
 1581 the full benefits of its investment of public dollars.

1582 (e) With limited dollars available for restoration and
 1583 acquisition of land and water areas and for providing long-term
 1584 management and capital improvements, a competitive selection
 1585 process can select those projects best able to meet the goals of
 1586 Florida Forever and maximize the efficient use of the program's
 1587 funding.

1588 (f) To ensure success and provide accountability to the
 1589 citizens of this state, it is the intent of the Legislature that
 1590 any bond proceeds used pursuant to this section be used to
 1591 implement the goals and objectives recommended by the Florida
 1592 Forever Advisory Council as approved by the Board of Trustees of
 1593 the Internal Improvement Trust Fund and the Legislature.

1594 (g) As it has with previous land acquisition programs, the
 1595 Legislature recognizes the desires of the citizens of this state
 1596 to prosper through economic development and to preserve the
 1597 natural areas and recreational open space of Florida. The
 1598 Legislature further recognizes the urgency of restoring the
 1599 natural functions of public lands or water bodies before they
 1600 are degraded to a point where recovery may never occur, yet
 1601 acknowledges the difficulty of ensuring adequate funding for
 1602 restoration efforts in light of other equally critical financial
 1603 needs of the state. It is the Legislature's desire and intent to
 1604 fund the implementation of this section and to do so in a
 1605 fiscally responsible manner, by issuing bonds to be repaid with
 1606 documentary stamp tax revenue.

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1607 (h) The Legislature further recognizes the important role
 1608 that many of our state and federal military installations
 1609 contribute to protecting and preserving Florida's natural
 1610 resources as well as our economic prosperity. Where the state's
 1611 land conservation plans overlap with the military's need to
 1612 protect lands, waters, and habitat to ensure the sustainability
 1613 of military missions, it is the Legislature's intent that
 1614 agencies receiving funds under this program cooperate with our
 1615 military partners to protect and buffer military installations
 1616 and military airspace, by:

1617 1. Protecting habitat on nonmilitary land for any species
 1618 found on military land that is designated as threatened or
 1619 endangered, or is a candidate for such designation under the
 1620 Endangered Species Act or any Florida statute;

1621 2. Protecting areas underlying low-level military air
 1622 corridors or operating areas; and

1623 3. Protecting areas identified as clear zones, accident
 1624 potential zones, and air installation compatible use buffer
 1625 zones delineated by our military partners.

1626 (3) Less the costs of issuing and the costs of funding
 1627 reserve accounts and other costs associated with bonds, the
 1628 proceeds of bonds issued pursuant to this section shall be
 1629 deposited into the Florida Forever Trust Fund created by s.
 1630 259.1051. The proceeds shall be distributed by the Department of
 1631 Environmental Protection in the following manner:

1632 (a) Thirty-five percent to the Department of Environmental
 1633 Protection for the acquisition of lands and capital project
 1634 expenditures necessary to implement the water management

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1635 districts' priority lists developed pursuant to s. 373.199. The
 1636 funds are to be distributed to the water management districts as
 1637 provided in subsection (11). A minimum of 50 percent of the
 1638 total funds provided over the life of the Florida Forever
 1639 program pursuant to this paragraph shall be used for the
 1640 acquisition of lands.

1641 (b) Thirty-five percent to the Department of Environmental
 1642 Protection for the acquisition of lands and capital project
 1643 expenditures described in this section. Of the proceeds
 1644 distributed pursuant to this paragraph, it is the intent of the
 1645 Legislature that an increased priority be given to those
 1646 acquisitions which achieve a combination of conservation goals,
 1647 including protecting Florida's water resources and natural
 1648 groundwater recharge. Capital project expenditures may not
 1649 exceed 10 percent of the funds allocated pursuant to this
 1650 paragraph.

1651 (c) Twenty-two percent to the Department of Community
 1652 Affairs for use by the Florida Communities Trust for the
 1653 purposes of part III of chapter 380, as described and limited by
 1654 this subsection, and grants to local governments or nonprofit
 1655 environmental organizations that are tax-exempt under s.
 1656 501(c)(3) of the United States Internal Revenue Code for the
 1657 acquisition of community-based projects, urban open spaces,
 1658 parks, and greenways to implement local government comprehensive
 1659 plans. From funds available to the trust and used for land
 1660 acquisition, 75 percent shall be matched by local governments on
 1661 a dollar-for-dollar basis. The Legislature intends that the
 1662 Florida Communities Trust emphasize funding projects in low-

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1663 income or otherwise disadvantaged communities. At least 30
 1664 percent of the total allocation provided to the trust shall be
 1665 used in Standard Metropolitan Statistical Areas, but one-half of
 1666 that amount shall be used in localities in which the project
 1667 site is located in built-up commercial, industrial, or mixed-use
 1668 areas and functions to intersperse open spaces within congested
 1669 urban core areas. From funds allocated to the trust, no less
 1670 than 5 percent shall be used to acquire lands for recreational
 1671 trail systems, provided that in the event these funds are not
 1672 needed for such projects, they will be available for other trust
 1673 projects. Local governments may use federal grants or loans,
 1674 private donations, or environmental mitigation funds, including
 1675 environmental mitigation funds required pursuant to s. 338.250,
 1676 for any part or all of any local match required for acquisitions
 1677 funded through the Florida Communities Trust. Any lands
 1678 purchased by nonprofit organizations using funds allocated under
 1679 this paragraph must provide for such lands to remain permanently
 1680 in public use through a reversion of title to local or state
 1681 government, conservation easement, or other appropriate
 1682 mechanism. Projects funded with funds allocated to the Trust
 1683 shall be selected in a competitive process measured against
 1684 criteria adopted in rule by the Trust.

1685 (d) Two percent to the Department of Environmental
 1686 Protection for grants pursuant to s. 375.075.

1688 (e) One and five-tenths percent to the Department of
 1689 Environmental Protection for the purchase of inholdings and
 1690 additions to state parks and for capital project expenditures as

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1691 described in this section. Capital project expenditures may not
 1692 exceed 10 percent of the funds allocated under this paragraph.
 1693 For the purposes of this paragraph, "state park" means any real
 1694 property in the state which is under the jurisdiction of the
 1695 Division of Recreation and Parks of the department, or which may
 1696 come under its jurisdiction.

1697 (f) One and five-tenths percent to the Division of
 1698 Forestry of the Department of Agriculture and Consumer Services
 1699 to fund the acquisition of state forest inholdings and additions
 1700 pursuant to s. 589.07, the implementation of reforestation plans
 1701 or sustainable forestry management practices, and for capital
 1702 project expenditures as described in this section. Capital
 1703 project expenditures may not exceed 10 percent of the funds
 1704 allocated under this paragraph.

1705 (g) One and five-tenths percent to the Fish and Wildlife
 1706 Conservation Commission to fund the acquisition of inholdings
 1707 and additions to lands managed by the commission which are
 1708 important to the conservation of fish and wildlife and for
 1709 capital project expenditures as described in this section.
 1710 Capital project expenditures may not exceed 10 percent of the
 1711 funds allocated under this paragraph.

1712 (h) One and five-tenths percent to the Department of
 1713 Environmental Protection for the Florida Greenways and Trails
 1714 Program, to acquire greenways and trails or greenways and trail
 1715 systems pursuant to chapter 260, including, but not limited to,
 1716 abandoned railroad rights-of-way and the Florida National Scenic
 1717 Trail and for capital project expenditures as described in this

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1718 section. Capital project expenditures may not exceed 10 percent
 1719 of the funds allocated under this paragraph.

1720 (i) It is the intent of the Legislature that proceeds of
 1721 Florida Forever bonds distributed under this section shall be
 1722 expended in an efficient and fiscally responsible manner. An
 1723 agency that receives proceeds from Florida Forever bonds under
 1724 this section may not maintain a balance of unencumbered funds in
 1725 its Florida Forever subaccount beyond 3 fiscal years from the
 1726 date of deposit of funds from each bond issue. Any funds that
 1727 have not been expended or encumbered after 3 fiscal years from
 1728 the date of deposit shall be distributed by the Legislature at
 1729 its next regular session for use in the Florida Forever program.

1730 (j) For the purposes of paragraphs (d), (e), (f), and (g),
 1731 the agencies which receive the funds shall develop their
 1732 individual acquisition or restoration lists. Proposed additions
 1733 may be acquired if they are identified within the original
 1734 project boundary, the management plan required pursuant to s.
 1735 253.034(5), or the management prospectus required pursuant to s.
 1736 259.032(9)(d). Proposed additions not meeting the requirements
 1737 of this paragraph shall be submitted to the Acquisition and
 1738 Restoration Council for approval. The council may only approve
 1739 the proposed addition if it meets two or more of the following
 1740 criteria: serves as a link or corridor to other publicly owned
 1741 property; enhances the protection or management of the property;
 1742 would add a desirable resource to the property; would create a
 1743 more manageable boundary configuration; has a high resource
 1744 value that otherwise would be unprotected; or can be acquired at
 1745 less than fair market value.

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1746 (4) It is the intent of the Legislature that projects or
 1747 acquisitions funded pursuant to paragraphs (3)(a) and (b)
 1748 contribute to the achievement of the following goals:

1749 (a) Enhance the coordination and completion of land
 1750 acquisition projects, as measured by:

1751 1. The number of acres acquired through the state's land
 1752 acquisition programs that contribute to the completion of
 1753 Florida Preservation 2000 projects or projects begun before
 1754 Preservation 2000;

1755 2. The number of acres protected through the use of
 1756 alternatives to fee simple acquisition; or

1757 3. The number of shared acquisition projects among Florida
 1758 Forever funding partners and partners with other funding
 1759 sources, including local governments and the Federal Government.

1760 (b) Increase the protection of Florida's biodiversity at
 1761 the species, natural community, and landscape levels, as
 1762 measured by:

1763 1. The number of acres acquired of significant strategic
 1764 habitat conservation areas;

1765 2. The number of acres acquired of highest priority
 1766 conservation areas for Florida's rarest species;

1767 3. The number of acres acquired of significant landscapes,
 1768 landscape linkages, and conservation corridors, giving priority
 1769 to completing linkages;

1770 4. The number of acres acquired of underrepresented native
 1771 ecosystems;

1772 5. The number of landscape-sized protection areas of at
 1773 least 50,000 acres that exhibit a mosaic of predominantly intact

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1774 or restorable natural communities established through new
 1775 acquisition projects or augmentations to previous projects; or
 1776 6. The percentage increase in the number of occurrences of
 1777 endangered species, threatened species, or species of special
 1778 concern on publicly managed conservation areas.
 1779 (c) Protect, restore, and maintain the quality and natural
 1780 functions of land, water, and wetland systems of the state, as
 1781 measured by:
 1782 1. The number of acres of publicly owned land identified
 1783 as needing restoration, acres undergoing restoration, and acres
 1784 with restoration activities completed;
 1785 2. The percentage of water segments that fully meet,
 1786 partially meet, or do not meet their designated uses as reported
 1787 in the Department of Environmental Protection's State Water
 1788 Quality Assessment 305(b) Report;
 1789 3. The percentage completion of targeted capital
 1790 improvements in surface water improvement and management plans
 1791 created under s. 373.453(2), regional or master stormwater
 1792 management system plans, or other adopted restoration plans;
 1793 4. The number of acres acquired that protect natural
 1794 floodplain functions;
 1795 5. The number of acres acquired that protect surface
 1796 waters of the state;
 1797 6. The number of acres identified for acquisition to
 1798 minimize damage from flooding and the percentage of those acres
 1799 acquired;
 1800 7. The number of acres acquired that protect fragile
 1801 coastal resources;

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1802 8. The number of acres of functional wetland systems
1803 protected;

1804 9. The percentage of miles of critically eroding beaches
1805 contiguous with public lands that are restored or protected from
1806 further erosion;

1807 10. The percentage of public lakes and rivers in which
1808 invasive, nonnative aquatic plants are under maintenance
1809 control; or

1810 11. The number of acres of public conservation lands in
1811 which upland invasive, exotic plants are under maintenance
1812 control.

1813 (d) Ensure that sufficient quantities of water are
1814 available to meet the current and future needs of natural
1815 systems and the citizens of the state, as measured by:

1816 1. The number of acres acquired which provide retention
1817 and storage of surface water in naturally occurring storage
1818 areas, such as lakes and wetlands, consistent with the
1819 maintenance of water resources or water supplies and consistent
1820 with district water supply plans;

1821 2. The quantity of water made available through the water
1822 resource development component of a district water supply plan
1823 for which a water management district is responsible; or

1824 3. The number of acres acquired of groundwater recharge
1825 areas critical to springs, sinks, aquifers, other natural
1826 systems, or water supply.

1827 (e) Increase natural resource-based public recreational
1828 and educational opportunities, as measured by:

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- 1829 1. The number of acres acquired that are available for
 1830 natural resource-based public recreation or education;
- 1831 2. The miles of trails that are available for public
 1832 recreation, giving priority to those that provide significant
 1833 connections including those that will assist in completing the
 1834 Florida National Scenic Trail; or
- 1835 3. The number of new resource-based recreation facilities,
 1836 by type, made available on public land.
- 1837 (f) Preserve significant archaeological or historic sites,
 1838 as measured by:
- 1839 1. The increase in the number of and percentage of
 1840 historic and archaeological properties listed in the Florida
 1841 Master Site File or National Register of Historic Places which
 1842 are protected or preserved for public use; or
- 1843 2. The increase in the number and percentage of historic
 1844 and archaeological properties that are in state ownership.
- 1845 (g) Increase the amount of forestland available for
 1846 sustainable management of natural resources, as measured by:
- 1847 1. The number of acres acquired that are available for
 1848 sustainable forest management;
- 1849 2. The number of acres of state-owned forestland managed
 1850 for economic return in accordance with current best management
 1851 practices;
- 1852 3. The number of acres of forestland acquired that will
 1853 serve to maintain natural groundwater recharge functions; or
- 1854 4. The percentage and number of acres identified for
 1855 restoration actually restored by reforestation.

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1856 (h) Increase the amount of open space available in urban
 1857 areas, as measured by:

1858 1. The percentage of local governments that participate in
 1859 land acquisition programs and acquire open space in urban cores;
 1860 or

1861 2. The percentage and number of acres of purchases of open
 1862 space within urban service areas.

1863
 1864 Florida Forever projects and acquisitions funded pursuant to
 1865 paragraph (3)(c) shall be measured by goals developed by rule by
 1866 the Florida Communities Trust Governing Board created in s.
 1867 380.504.

1868 (5)

1869 (a) All lands acquired pursuant to this section shall be
 1870 managed for multiple-use purposes, where compatible with the
 1871 resource values of and management objectives for such lands. As
 1872 used in this section, "multiple-use" includes, but is not
 1873 limited to, outdoor recreational activities as described in ss.
 1874 253.034 and 259.032(9)(b), water resource development projects,
 1875 and sustainable forestry management.

1876 (b) Upon a decision by the entity in which title to lands
 1877 acquired pursuant to this section has vested, such lands may be
 1878 designated single use as defined in s. 253.034(2)(b).

1879 (6) As provided in this section, a water resource or water
 1880 supply development project may be allowed only if the following
 1881 conditions are met: minimum flows and levels have been
 1882 established for those waters, if any, which may reasonably be
 1883 expected to experience significant harm to water resources as a

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1884 result of the project; the project complies with all applicable
 1885 permitting requirements; and the project is consistent with the
 1886 regional water supply plan, if any, of the water management
 1887 district and with relevant recovery or prevention strategies if
 1888 required pursuant to s. 373.0421(2).

1889 (7)

1890 (a) Beginning no later than July 1, 2001, and every year
 1891 thereafter, the Acquisition and Restoration Council shall accept
 1892 applications from state agencies, local governments, nonprofit
 1893 and for-profit organizations, private land trusts, and
 1894 individuals for project proposals eligible for funding pursuant
 1895 to paragraph (3)(b). The council shall evaluate the proposals
 1896 received pursuant to this subsection to ensure that they meet at
 1897 least one of the criteria under subsection (9).

1898 (b) Project applications shall contain, at a minimum, the
 1899 following:

1900 1. A minimum of two numeric performance measures that
 1901 directly relate to the overall goals adopted by the council.
 1902 Each performance measure shall include a baseline measurement,
 1903 which is the current situation; a performance standard which the
 1904 project sponsor anticipates the project will achieve; and the
 1905 performance measurement itself, which should reflect the
 1906 incremental improvements the project accomplishes towards
 1907 achieving the performance standard.

1908 2. Proof that property owners within any proposed
 1909 acquisition have been notified of their inclusion in the
 1910 proposed project. Any property owner may request the removal of
 1911 such property from further consideration by submitting a request

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1912 to the project sponsor or the Acquisition and Restoration
 1913 Council by certified mail. Upon receiving this request, the
 1914 council shall delete the property from the proposed project;
 1915 however, the board of trustees, at the time it votes to approve
 1916 the proposed project lists pursuant to subsection (16), may add
 1917 the property back on to the project lists if it determines by a
 1918 super majority of its members that such property is critical to
 1919 achieve the purposes of the project.

1920 (c) The title to lands acquired under this section shall
 1921 vest in the Board of Trustees of the Internal Improvement Trust
 1922 Fund, except that title to lands acquired by a water management
 1923 district shall vest in the name of that district and lands
 1924 acquired by a local government shall vest in the name of the
 1925 purchasing local government.

1926 (8) The Acquisition and Restoration Council shall develop
 1927 a project list that shall represent those projects submitted
 1928 pursuant to subsection (7).

1929 (9) The Acquisition and Restoration Council shall
 1930 recommend rules for adoption by the board of trustees to
 1931 competitively evaluate, select, and rank projects eligible for
 1932 Florida Forever funds pursuant to paragraph (3)(b) and for
 1933 additions to the Conservation and Recreation Lands list pursuant
 1934 to ss. 259.032 and 259.101(4). In developing these proposed
 1935 rules, the Acquisition and Restoration Council shall give weight
 1936 to the following criteria:

1937 (a) The project meets multiple goals described in
 1938 subsection (4).

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1939 (b) The project is part of an ongoing governmental effort
 1940 to restore, protect, or develop land areas or water resources.

1941 (c) The project enhances or facilitates management of
 1942 properties already under public ownership.

1943 (d) The project has significant archaeological or historic
 1944 value.

1945 (e) The project has funding sources that are identified
 1946 and assured through at least the first 2 years of the project.

1947 (f) The project contributes to the solution of water
 1948 resource problems on a regional basis.

1949 (g) The project has a significant portion of its land area
 1950 in imminent danger of development, in imminent danger of losing
 1951 its significant natural attributes or recreational open space,
 1952 or in imminent danger of subdivision which would result in
 1953 multiple ownership and make acquisition of the project costly or
 1954 less likely to be accomplished.

1955 (h) The project implements an element from a plan
 1956 developed by an ecosystem management team.

1957 (i) The project is one of the components of the Everglades
 1958 restoration effort.

1959 (j) The project may be purchased at 80 percent of
 1960 appraised value.

1961 (k) The project may be acquired, in whole or in part,
 1962 using alternatives to fee simple, including but not limited to,
 1963 purchase of development rights, hunting rights, agricultural or
 1964 silvicultural rights, or mineral rights or obtaining
 1965 conservation easements or flowage easements.

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1966 (1) The project is a joint acquisition, either among
 1967 public agencies, nonprofit organizations, or private entities,
 1968 or by a public-private partnership.

1969 (10) The Acquisition and Restoration Council shall give
 1970 increased priority to those projects for which matching funds
 1971 are available and to project elements previously identified on
 1972 an acquisition list pursuant to this section that can be
 1973 acquired at 80 percent or less of appraised value. The council
 1974 shall also give increased priority to those projects where the
 1975 state's land conservation plans overlap with the military's need
 1976 to protect lands, water, and habitat to ensure the
 1977 sustainability of military missions including:

1978 (a) Protecting habitat on nonmilitary land for any species
 1979 found on military land that is designated as threatened or
 1980 endangered, or is a candidate for such designation under the
 1981 Endangered Species Act or any Florida statute;

1982 (b) Protecting areas underlying low-level military air
 1983 corridors or operating areas; and

1984 (c) Protecting areas identified as clear zones, accident
 1985 potential zones, and air installation compatible use buffer
 1986 zones delineated by our military partners, and for which federal
 1987 or other funding is available to assist with the project.

1988 (11) For the purposes of funding projects pursuant to
 1989 paragraph (3)(a), the Secretary of Environmental Protection
 1990 shall ensure that each water management district receives the
 1991 following percentage of funds annually:

1992 (a) Thirty-five percent to the South Florida Water
 1993 Management District, of which amount \$25 million for 2 years

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1994 beginning in fiscal year 2000-2001 shall be transferred by the
 1995 Department of Environmental Protection into the Save Our
 1996 Everglades Trust Fund and shall be used exclusively to implement
 1997 the comprehensive plan under s. 373.470.

1998 (b) Twenty-five percent to the Southwest Florida Water
 1999 Management District.

2000 (c) Twenty-five percent to the St. Johns River Water
 2001 Management District.

2002 (d) Seven and one-half percent to the Suwannee River Water
 2003 Management District.

2004 (e) Seven and one-half percent to the Northwest Florida
 2005 Water Management District.

2006 (12) It is the intent of the Legislature that in
 2007 developing the list of projects for funding pursuant to
 2008 paragraph (3)(a), that these funds not be used to abrogate the
 2009 financial responsibility of those point and nonpoint sources
 2010 that have contributed to the degradation of water or land areas.
 2011 Therefore, an increased priority shall be given by the water
 2012 management district governing boards to those projects that have
 2013 secured a cost-sharing agreement allocating responsibility for
 2014 the cleanup of point and nonpoint sources.

2015 (13) An affirmative vote of five members of the
 2016 Acquisition and Restoration Council shall be required in order
 2017 to place a proposed project on the list developed pursuant to
 2018 subsection (8). Any member of the council who by family or a
 2019 business relationship has a connection with any project proposed
 2020 to be ranked shall declare such interest prior to voting for a
 2021 project's inclusion on the list.

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2022 (14) Each year that bonds are to be issued pursuant to
 2023 this section, the Acquisition and Restoration Council shall
 2024 review the most current approved project list and shall, by the
 2025 first board meeting in May, present to the Board of Trustees of
 2026 the Internal Improvement Trust Fund for approval a listing of
 2027 projects developed pursuant to subsection (8). The board of
 2028 trustees may remove projects from the list developed pursuant to
 2029 this subsection, but may not add projects or rearrange project
 2030 rankings.

2031 (15) The Acquisition and Restoration Council shall submit
 2032 to the board of trustees, with its list of projects, a report
 2033 that includes, but shall not be limited to, the following
 2034 information for each project listed:

2035 (a) The stated purpose for inclusion.

2036 (b) Projected costs to achieve the project goals.

2037 (c) An interim management budget.

2038 (d) Specific performance measures.

2039 (e) Plans for public access.

2040 (f) An identification of the essential parcel or parcels
 2041 within the project without which the project cannot be properly
 2042 managed.

2043 (g) Where applicable, an identification of those projects
 2044 or parcels within projects which should be acquired in fee
 2045 simple or in less than fee simple.

2046 (h) An identification of those lands being purchased for
 2047 conservation purposes.

2048 (i) A management policy statement for the project and a
 2049 management prospectus pursuant to s. 259.032(9)(d).

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2050 (j) An estimate of land value based on county tax assessed
2051 values.

2052 (k) A map delineating project boundaries.

2053 (l) An assessment of the project's ecological value,
2054 outdoor recreational value, forest resources, wildlife
2055 resources, ownership pattern, utilization, and location.

2056 (m) A discussion of whether alternative uses are proposed
2057 for the property and what those uses are.

2058 (n) A designation of the management agency or agencies.

2059 (16) All proposals for projects pursuant to paragraph
2060 (3)(b) or subsection (20) shall be implemented only if adopted
2061 by the Acquisition and Restoration Council and approved by the
2062 board of trustees. The council shall consider and evaluate in
2063 writing the merits and demerits of each project that is proposed
2064 for Florida Forever funding and each proposed addition to the
2065 Conservation and Recreation Lands list program. The council
2066 shall ensure that each proposed project will meet a stated
2067 public purpose for the restoration, conservation, or
2068 preservation of environmentally sensitive lands and water areas
2069 or for providing outdoor recreational opportunities and that
2070 each proposed addition to the Conservation and Recreation Lands
2071 list will meet the public purposes under s. 259.032(3) and, when
2072 applicable, s. 259.101(4). The council also shall determine
2073 whether the project or addition conforms, where applicable, with
2074 the comprehensive plan developed pursuant to s. 259.04(1)(a),
2075 the comprehensive multipurpose outdoor recreation plan developed
2076 pursuant to s. 375.021, the state lands management plan adopted
2077 pursuant to s. 253.03(7), the water resources work plans

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2078 developed pursuant to s. 373.199, and the provisions of this
 2079 section.

2080 (17)

2081 (a) The Board of Trustees of the Internal Improvement
 2082 Trust Fund, or, in the case of water management district lands,
 2083 the owning water management district, may authorize the granting
 2084 of a lease, easement, or license for the use of certain lands
 2085 acquired pursuant to this section, for certain uses that are
 2086 determined by the appropriate board to be compatible with the
 2087 resource values of and management objectives for such lands.

2088 (b) Any existing lease, easement, or license acquired for
 2089 incidental public or private use on, under, or across any lands
 2090 acquired pursuant to this section shall be presumed to be
 2091 compatible with the purposes for which such lands were acquired.

2092 (c) Notwithstanding the provisions of paragraph (a), no
 2093 such lease, easement, or license shall be entered into by the
 2094 Department of Environmental Protection or other appropriate
 2095 state agency if the granting of such lease, easement, or license
 2096 would adversely affect the exclusion of the interest on any
 2097 revenue bonds issued to fund the acquisition of the affected
 2098 lands from gross income for federal income tax purposes,
 2099 pursuant to Internal Revenue Service regulations.

2100 (18) The Acquisition and Restoration Council shall
 2101 recommend adoption of rules by the board of trustees necessary
 2102 to implement the provisions of this section relating to:
 2103 solicitation, scoring, selecting, and ranking of Florida Forever
 2104 project proposals; disposing of or leasing lands or water areas
 2105 selected for funding through the Florida Forever program; and

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2106 the process of reviewing and recommending for approval or
 2107 rejection the land management plans associated with publicly
 2108 owned properties. Rules promulgated pursuant to this subsection
 2109 shall be submitted to the President of the Senate and the
 2110 Speaker of the House of Representatives, for review by the
 2111 Legislature, no later than 30 days prior to the 2001 Regular
 2112 Session and shall become effective only after legislative
 2113 review. In its review, the Legislature may reject, modify, or
 2114 take no action relative to such rules. The board of trustees
 2115 shall conform such rules to changes made by the Legislature, or,
 2116 if no action was taken by the Legislature, such rules shall
 2117 become effective.

2118 (19) Lands listed as projects for acquisition under the
 2119 Florida Forever program may be managed for conservation pursuant
 2120 to s. 259.032, on an interim basis by a private party in
 2121 anticipation of a state purchase in accordance with a
 2122 contractual arrangement between the acquiring agency and the
 2123 private party that may include management service contracts,
 2124 leases, cost-share arrangements, or resource conservation
 2125 agreements. Lands designated as eligible under this subsection
 2126 shall be managed to maintain or enhance the resources the state
 2127 is seeking to protect by acquiring the land. Funding for these
 2128 contractual arrangements may originate from the documentary
 2129 stamp tax revenue deposited into the Conservation and Recreation
 2130 Lands Trust Fund and Water Management Lands Trust Fund. No more
 2131 than 5 percent of funds allocated under the trust funds shall be
 2132 expended for this purpose.

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2133 (20) The Acquisition and Restoration Council, as
 2134 successors to the Land Acquisition and Management Advisory
 2135 Council, may amend existing Conservation and Recreation Lands
 2136 projects and add to or delete from the 2000 Conservation and
 2137 Recreation Lands list until funding for the Conservation and
 2138 Recreation Lands program has been expended. The amendments to
 2139 the 2000 Conservation and Recreation Lands list will be reported
 2140 to the board of trustees in conjunction with the council's
 2141 report developed pursuant to subsection (15).

2142 (21) The use of rural-lands-protection easements as
 2143 described in 570.71(3) is encouraged as a way to maintain
 2144 working lands while furthering the goals of this chapter.

2145 Section 13. Section 259.1051, Florida Statutes, is amended
 2146 to read:

2147 259.1051 Florida Forever Trust Fund.--

2148 (1) There is created the Florida Forever Trust Fund to
 2149 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 2150 375.031. The Florida Forever Trust Fund shall be held and
 2151 administered by the Department of Environmental Protection.
 2152 Proceeds from the sale of bonds, except proceeds of refunding
 2153 bonds, issued under s. 215.618 and payable from moneys
 2154 transferred to the Land Acquisition Trust Fund under s.
 2155 201.15(1)(a), not to exceed \$3 billion, must be deposited into
 2156 this trust fund to be distributed and used as provided in s.
 2157 259.105(3). The bond resolution adopted by the governing board
 2158 of the Division of Bond Finance of the State Board of
 2159 Administration may provide for additional provisions that govern
 2160 the disbursement of the bond proceeds.

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2161 (2) The Department of Environmental Protection shall
 2162 distribute revenues from the Florida Forever Trust Fund only to
 2163 programs of state agencies or local governments as set out in s.
 2164 259.105(3) or as provided in s. 259.1052. Excluding
 2165 distributions to the Save Our Everglades Trust Fund and
 2166 distributions for the acquisition of the Babcock Crescent B
 2167 Ranch Florida Forever acquisition as provided in s. 259.1052,
 2168 the distributions shall be spent by the recipient within 90 days
 2169 after the date on which the Department of Environmental
 2170 Protection initiates the transfer.

2171 (3) The Department of Environmental Protection shall
 2172 ensure that the proceeds from the sale of bonds issued under s.
 2173 215.618 and payable from moneys transferred to the Land
 2174 Acquisition Trust Fund under s. 201.15(1)(a) shall be
 2175 administered and expended in a manner that ensures compliance of
 2176 each issue of bonds that are issued on the basis that interest
 2177 thereon will be excluded from gross income for federal income
 2178 tax purposes, with the applicable provisions of the United
 2179 States Internal Revenue Code and the regulations promulgated
 2180 thereunder, to the extent necessary to preserve the exclusion of
 2181 interest on the bonds from gross income for federal income tax
 2182 purposes. The Department of Environmental Protection shall
 2183 administer the use and disbursement of the proceeds of such
 2184 bonds or require that the use and disbursement thereof be
 2185 administered in a manner to implement strategies to maximize any
 2186 available benefits under the applicable provisions of the United
 2187 States Internal Revenue Code or regulations promulgated

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2188 | thereunder, to the extent not inconsistent with the purposes
2189 | identified in s. 259.105(3).

2190 | Section 14. This act shall take effect July 1, 2008.



COMMITTEE ON CONSERVATION & STATE LANDS

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1st ADDENDUM

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 31
SPONSOR(S): Boyd
TIED BILLS:

Springs Protection

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Conservation & State Lands</u>	_____	Palmer 	 Zeiler
2) <u>Environment & Natural Resources Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill creates the Florida Springs Stewardship Act and the Florida Springs Stewardship Task Force (task force). The bill defines the task force structure, function and membership and directs the task force, with assistance from all necessary state agencies, to collect and inventory all existing data and to identify zones of influence for each of Florida's first magnitude springs. The task force is also to identify and list best management practices (BMP's) for land uses in the zones of influence and to identify existing and potential sources of funding for implementing these BMP's. The task force is to solicit public input and testimony and propose a program of increased emphasis on education and outreach regarding implementing BMP's. The bill requires a report to the President of the Senate and the Speaker of the House of Representatives specifying the task force's findings. The bill requires the task force be appointed no later than August 1, 2008 and for the task force to expire on January 31, 2009.

The bill does not appear to have a significant fiscal impact on state or local governments.

The bill would become effective on July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill creates the *Florida Springs Stewardship Task Force* to evaluate existing data, identify zones of influence, and make recommendations for protection of Florida's springs.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The term spring is generally understood to mean a place on the Earth's surface where underground water emerges onto the surface – including the ground beneath surface water features. Although this is accurate in general, there is some ambiguity in this definition for specific usage since it does not differentiate among the different types of springs. In Florida, most springs are one of two general types, seeps (water-table springs) or karst (artesian) springs. Water-table springs occur when rainwater percolates downward through permeable sediments to a much less permeable or impermeable formation which forces the water to move laterally. Eventually, the water may intersect the surface in a low area and form a seep. Karst springs form when confined groundwater discharges to the surface through an opening or vent in the confining layer. Seeps may also form in karst areas when water discharging through a breach in the confining layer does not reach the surface but diffuses into the unconfined surficial or water-table aquifer.

Independent of their type, springs are most often classified based upon their median flow. Median flow is used since spring flow is a dynamic process with individual springs exhibiting variable discharge depending upon rainfall, recharge and groundwater withdrawals within their recharge areas. However, one discharge measurement is enough to place a spring into one of eight flow ranges or magnitude categories. This can result in a spring being initially observed as a certain magnitude spring and later as another magnitude spring. Historically, a spring assigned a magnitude when it was first described continued with that magnitude designation even though the discharge may have changed considerably over time. If a spring had been previously classified as a higher magnitude spring than the magnitude class it would have been assigned in the 2003 Florida Springs Classification System, it retains the higher classification but with the leading descriptor "historical".

There are more than 700 identified springs in Florida. Of particular interest to this bill are the largest discharge springs, classified as first-magnitude springs, which have a flow greater than or equal to 100 cubic feet per second (64.6 million gallons per day). Thirty-three first-magnitude springs have been identified in Florida.

The majority of Florida's springs and all of the first-magnitude springs are karst springs. These karst springs originate in the Floridian aquifer. The Floridian is one of the most prolific aquifers in the world and extends throughout an area that includes all of the Florida Peninsula, and parts of the Florida Panhandle, Alabama, Georgia and South Carolina, as well as parts of the Gulf of Mexico and Atlantic Ocean. The surface of this area is underlain by permeable, unconsolidated deposits of clay, sand, gravel and shell beds. Beneath these permeable surface materials are layers of semi-consolidated and consolidated carbonate rock (limestone and dolostone). Beneath the surface layer a low permeability layer of clastic limestone, known as the Hawthorn Formation, overlays and confines the thick, more permeable layer of limestone which contains the Floridian Aquifer. The Floridian is confined below by a layer of low permeability anhydrate beds referred to as the Cedar Keys Formation. Within the Floridian Aquifer is a discontinuous, low permeability layer that, in places, divides the Floridian into the sub-

layers known as the Upper Floridian and the Lower Floridian. The Upper Floridian contains high quality fresh water while the Lower Floridian may contain more saline water. The Floridian is not flat but tilts and has a variable thickness. In certain places the Floridian formation reaches the surface and precipitation and run-off can be in direct contact with the aquifer. In other places the Hawthorn Formation is thin and may be fractured or breached by sinkholes. In all of these places, the Floridian may either discharge as a spring, diffuse into the surficial aquifer, or be recharged from the water-table aquifer depending on the elevation of the land surface, elevation of the Floridian's potentiometric surface, and the elevation of the water-table surface. The potentiometric surface is the elevation to which the water in a confined aquifer would rise if it were unconfined.

Recent studies of Florida's springs have concluded that many have begun to exhibit signs of distress, including increasing nutrient loading and lowered discharge. This distress is attributed to changes occurring in the spring's discharge basin. A discharge basin is that area within the groundwater basin or surface water basin that contributes to the discharge of the spring. The boundaries of a discharge are very dynamic and vary as a result of changes in the potentiometric surface of the Floridian aquifer relative to changes in the elevation of the water-table. Thus, discharge basins are composed of three different zones of influence: the surface basin which contributes direct runoff; the water-table flow basin which may be into or out-of the spring flow; and the Floridian discharge source basin. It is very difficult to identify the specific boundaries of these zones since the three basins typically do not cover the same regions. The surface runoff basin can be defined with reasonable precision and remains fairly constant unless artificially modified. However, the flow and water quality in the other two basins vary depending on recharge situations and are likely affected by conditions and events that may be remote from the spring and occur in different places for each basin.

In 1999, in response to the perceived decline in spring water flows and quality, the Department of Environmental Protection (DEP) convened the *Florida Springs Task Force* to assess the condition of Florida's springs. The findings of the task force then led the Florida Legislature to authorize the *Florida Springs Initiative* in 2001 with a funding appropriation of 2.5 million dollars. This program was designed to investigate the sources of spring-flow, determine, to the extent possible, the zones that most affect the water quantity and quality of spring discharge, monitor spring water quality, assist landowners in implementing spring protection actions, and promote the value of springs through extensive public education. DEP reports that maps delineating zones of influence have been generated for many of the state's first magnitude springs.

Effect of Proposed Change

The bill amends chapter 369, F.S., creating the *Florida Springs Stewardship Act* relating to protection of Florida's springs, establishes the *Florida Springs Stewardship Task Force* (task force), and specifies the Task Force's duties.

By way of this bill, the Legislature recognizes that Florida's springs are valuable resources that provide recreational and tourism opportunities and are a great financial benefit to local economies and that Florida's springs provide critical habitat for endangered or threatened species of plants and animals. Furthermore, the flow and water quality of Florida's springs are direct reflections of the aquifer systems in Florida and consequently are indicators of the condition of a significant portion of the state's water resources. The Legislature states its belief that cooperative efforts can best develop the mechanisms to identify best management practices for the protection, restoration, and preservation of Florida's water resources, including springs, that the citizens of Florida desire to be good stewards of the state's resources, and that through educational awareness programs the state's citizens will voluntarily implement best management practices into their daily activities.

The *Florida Springs Stewardship Task Force* is to be appointed no later than August 1, 2008. The bill establishes a nine member task force with a chair and a vice-chair to be elected by the task force from among its membership. The task force membership shall be:

- one representative from the DEP, to be appointed by the Secretary of the DEP;
- one representative from the Department of Agriculture and Consumer Protection, to be appointed by the Commissioner of Agriculture;
- one representative from the Department of Community Affairs, to be appointed by the Secretary of the Department of Community Affairs;
- one representative from the water management district with the greatest number of first magnitude springs within its jurisdiction, to be appointed by the executive director of that water management district;
- one representative from the development community, to be appointed by the President of the Senate;
- one representative from a local chamber of commerce, to be appointed by the President of the Senate;
- one representative who is a locally elected county or municipal official, to be appointed by the Speaker of the House of Representatives;
- one representative from the environmental community, to be appointed by the Speaker of the House of Representatives; and
- one member from the agricultural community, to be appointed by the Commissioner of Agriculture;

The task force is to collect and inventory all existing data and to identify zones of influence for each of Florida's thirty-three known first magnitude springs. They are to identify land uses in these zones and to identify and compile a list of existing best management practices (BMP's) and other water pollutant controls for the identified land uses. The task force is also directed to identify any and all existing and reasonably expected funding sources available to implement BMP's and other water pollutant controls that would protect Florida's first magnitude springs and propose a priority list of projects for the funding.

The task force is to conduct public meetings for the purpose of taking public input and testimony regarding issues related to springs protection, restoration, and preservation. The task force is directed to then propose a program of increased emphasis on education and outreach that encourages the implementation of BMP's and other water pollutant controls for agricultural and nonagricultural land uses, including specific provisions for cost-share assistance with the implementation BMP's. The task force is to propose a means for recognition of agricultural and nonagricultural landowners who participate in the BMP's program.

The task force is to prepare a report summarizing the data collected, public input and testimony, and its findings and proposals. This report is to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2009.

All state agencies are directed, and all other agencies and local governments are requested, to render assistance to and to cooperate with the task force.

The bill provides for the task force to expire January 31, 2009.

The bill would become effective on July 1, 2008.

C. SECTION DIRECTORY:

Section 1: Creates Part IV of ch. 369, F.S., consisting of: s. 369.401, creating a short title; s 369.402, establishing Legislative intent and findings; s 369.403, establishing definitions; and s. 369.404, creating the Florida Springs Stewardship Task Force and specifying duties of the task force.

Section 2: Creates an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

29 direct reflections of the aquifer systems in Florida and
 30 consequently are indicators of the condition of a significant
 31 portion of the state's water resources.

32 (3) Cooperative efforts can best develop the mechanisms to
 33 identify best management practices for the protection,
 34 restoration, and preservation of Florida's water resources,
 35 including springs.

36 (4) The citizens of Florida desire to be good stewards of
 37 the state's resources and that through educational awareness
 38 programs will voluntarily implement best management practices
 39 into their daily activities.

40 369.403 Definitions.--For purposes of this part, the term:

41 (1) "Seep" means a place where the water table aquifer
 42 intersects the land surface and flows onto the land.

43 (2) "Spring" means a point where groundwater is discharged
 44 onto the earth's surface, including under any surface water of
 45 the state, and excluding seeps.

46 (3) "Zone of influence" means the geographic area that
 47 contributes most directly to the water quantity and quality of a
 48 spring.

49 369.404 Florida Springs Stewardship Task Force.--

50 (1) The Florida Springs Stewardship Task Force is hereby
 51 created and shall consist of nine members as follows:

52 (a) One representative from the Department of
 53 Environmental Protection to be appointed by the Secretary of
 54 Environmental Protection.

55 (b) One representative from the Department of Agriculture
 56 and Consumer Services to be appointed by the Commissioner of

57 Agriculture.

58 (c) One representative from the Department of Community
 59 Affairs to be appointed by the Secretary of Community Affairs.

60 (d) One representative from the water management district
 61 with the greatest number of first magnitude springs within its
 62 jurisdiction to be appointed by the executive director of that
 63 water management district.

64 (e) Two members appointed by the President of the Senate,
 65 one of whom shall be a representative of the development
 66 community and one of whom shall be a representative of a local
 67 chamber of commerce.

68 (f) Two members appointed by the Speaker of the House of
 69 Representatives, one of whom shall be a locally elected county
 70 or municipal official and one of whom shall be a representative
 71 of the environmental community.

72 (g) One member appointed by the Commissioner of
 73 Agriculture who shall be a representative of the agricultural
 74 community.

75 (2) Task force members shall be appointed no later than
 76 August 1, 2008. Members shall choose a chair and vice chair from
 77 the membership of the task force.

78 (3) The task force shall:

79 (a) Collect and inventory all existing data identifying
 80 zones of influence for each of Florida's 33 known first
 81 magnitude springs and identifying land uses in these areas.

82 (b) Identify and compile a list of existing best
 83 management practices for identified land uses and other water
 84 pollutant controls.

85 (c) Identify any and all existing and reasonably expected
 86 funding sources available to implement best management practices
 87 and other water pollutant controls that protect Florida's first
 88 magnitude springs and propose a priority list of projects for
 89 the funding.

90 (d) Take public input and testimony regarding issues
 91 related to spring protection, restoration, and preservation.

92 (e) Propose a program of increased emphasis on education
 93 and outreach that encourages the implementation of best
 94 management practices for agricultural and nonagricultural land
 95 uses and other water pollutant controls, including specific
 96 provisions for cost-share assistance with the implementation of
 97 best management practices as well as recognition of agricultural
 98 and nonagricultural landowners who participate in the best
 99 management practices program.

100 (4) The task force shall submit a report summarizing the
 101 data collected, public input and testimony, and the findings and
 102 proposals of the task force to the President of the Senate and
 103 the Speaker of the House of Representatives no later than
 104 January 31, 2009.

105 (5) All state agencies are directed, and all other
 106 agencies and local governments are requested, to render
 107 assistance to and cooperate with the task force.

108 (6) The task force shall expire on January 31, 2009.

109 Section 2. This act shall take effect July 1, 2008.



COMMITTEE ON CONSERVATION & STATE LANDS

WEDNESDAY, MARCH 26, 2008

5:15 PM – 7:00 PM

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
2nd ADDENDUM

**Marco Rubio
Speaker**

**Rep. Will Kendrick
Chair**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ENRC 08-09 Florida Forever Successor
SPONSOR(S): Committee on Conservation & State Lands
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Environment and Natural Resources Council			
Committee on Conservation & State Lands		Palmer 	Zeiler 
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill extends the current Florida Forever program by extending the retirement date for all Florida Forever bonds from December 31, 2030 to December 31, 2033 and raises the limit on the issuance of the bonds from \$3 billion to \$3.2 billion. The bill requires the legislature to analyze the state's debt ratio in relation to projected revenues prior to the authorization of any bonds for land acquisition and directs the legislature to complete an analysis of potential revenue sources for the Florida Forever program by February 1, 2010.

The bill transfers the Florida Communities Trust from the Department of Community Affairs to the Department of Environmental Protection (DEP). It also requests the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to conform Florida Statutes to the organizational changes made by this bill.

The bill designates the Fish and Wildlife Conservation Commission (FWC) and the Department of Agriculture and Consumer Services (DACCS) as the state's primary land managers for state lands title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund (board).

The duties of the primary land managers are expanded to include concurrently developing the land management plans (LMP), implementing the LMP's and monitoring the results of the land management activities. The bill expands land management plan reporting requirements and requires objective performance measures of management to be developed, measured and reported..

The Secretary of the Department of Environmental Protection, the Executive Director of the Fish and Wildlife Conservation Commission, and the Commissioner of Agriculture are to prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2008 that provides a formula to allocate funds provided for long-term management of all state lands. The formula and the methodology used to develop it are to be approved by the legislature.

The bill authorizes an additional \$200 million dollars to be issued in Florida Forever bonds and extends the retirement date of these bonds to December 31, 2033. The debt service is estimated to be \$20 million per year for this funding increase. The FCT program with all funding sources will be transferred from the DCA to the DEP.

The bill's effective date is July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill standardizes land management activities and provides for more detailed accountability reporting by land managers.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Land acquisition for conservation has long been recognized as critical for the protection of water and ecological resources. Since 1963 the state has implemented a series of statutory land acquisition programs by which the State of Florida has invested more than \$6 billion to obtain control over approximately 3.5 million acres of land for conservation, recreation, preservation, and restoration. The water management districts have acquired additional lands in excess of 2 million acres for water supply, and water resource protection and conservation.

The health of Florida's ecosystems depends on dynamic natural processes associated with fire, hydrology, and a delicate ecological balance among native species. The state's resource management goal is to conserve, restore and preserve the natural landscapes of Florida by protecting and, where needed, reestablishing natural processes. The managing agencies are directed to establish and implement management plans to accomplish these goals. The Legislature has further directed that all state and public lands are to be available for public access and recreation whenever such public use would not be contrary to the purpose for which the land was acquired or whenever public access would create an unsafe situation.

Public use is allowed on almost all conservation lands, with most of the exceptions being associated with structures supporting either flood control or water supply, lands leased for activities such as agriculture, or during times of infrastructure construction. Although most conservation lands are open to public use, there is often a perception that this is not the case. The perception of areas not being open for public use may be based on difficulty in finding access points, lack of basic facilities, or to areas being closed to some uses but not to others. Uses, such as hunting, may be restricted by seasonality or they may be limited due to incompatibility with management goals or other ongoing public uses.

The Florida Forever Program was created by the Legislature in 1999, as a successor program to the successful Preservation 2000 program. Florida Forever authorizes the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, the preservation and restoration of open space and greenways, and for outdoor recreation purposes. The program continues to provide public land acquisition agencies with the authority to purchase eligible properties and authorizes alternatives to fee simple acquisitions. The Florida Forever Program sunsets in 2010.

Under the Florida Forever program, lands are purchased by:

- the Department of Environmental Protection's (DEP) Division of State Lands (DSL) and are managed by:
 - DEP —
 - Division of Recreation and Parks (DRP);
 - Office of Greenways and Trails (OGT); and
 - Office of Coastal and Aquatic Managed Areas (CAMA);
 - Fish and Wildlife Conservation Commission (FWC);
 - Department of Agriculture and Consumer Services' (DACS) Division of Forestry (DOF);

- Department of State's (DOS) Division of Historical Resources (DHR)
- water management districts —
 - South Florida Water Management District (SFWMD);
 - Southwest Florida Water Management District (SWFWMD);
 - St. Johns River Water Management District (SJRWMD);
 - Suwannee River Water Management District (SRWMD); and
 - Northwest Florida Water Management District (NFWWMD);
- Department of Community Affairs' (DCA) Florida Community Trust Program (FCT) grants to;
 - county or city government; and
 - non-profit organizations.

Lands acquired by the DSL are titled in the name of the Board of Trustees of the Internal Improvement Trust Fund (board). Lands purchased by one of the five water management districts are titled in the name of the district making the acquisition. Lands purchased under the FCT, in partnership with a county or city, vest in the name of the acquiring local government. Lands purchased by a nonprofit organization using grant funds provided by the FCT must remain permanently in public use. Should a non-profit organization cease to manage lands purchased with an FCT grant, the title to those lands reverts to local or state government, a conservation easement, or another appropriate mechanism.

Applications for land acquisition submitted to the Division of State Lands are reviewed by DSL staff who make recommendations to the Acquisition and Restoration Council (ARC). The ARC is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the Board of Trustees for approval.

Each acquisition of state lands has a land management plan that is periodically reviewed by a management review team who reviews the extent to which the land management plan protects threatened and endangered species, unique or important physical features, geological or hydrological functions, and archeological or historical features. The review also examines the extent to which actual land management activity has supported purpose for purchase, how well the actual management practices, including public access, comply with land management plan.

Oversight of the DSL land acquisitions is performed by the Land Management Uniform Accounting Council (LMUAC). Each year LMUAC submits a report to the President of the Senate and the Speaker of the House of Representatives that includes land management costs which are assigned specific categories (no cost is to be assigned to more than one category). Each agency managing land titled to the board reports their expenditures.

Since its inception in July 2001 through March 2007, the state's Florida Forever land acquisition program has preserved (Note: These acreages often overlap, and thus should not be added together):

- 235,960 acres of Strategic Habitat Conservation Areas;
- 382,930 acres of rare species habitat conservation areas;
- 523,680 acres of ecological greenways;
- 51,270 acres of under-represented natural communities;
- 57,620 acres of natural floodplains;
- 541,220 acres important to significant water bodies;
- 5,080 acres of fragile coastline;
- 240,180 acres of functional wetlands;
- 524,833 acres of significant groundwater recharge areas;
- 87,860 acres of land to support priority recreational trails;
- 265,340 acres of sustainable forest land; and
- 2,720 acres of archaeological and historic sites.

To support the Sunset Review Process and to gather information for a successor to the Florida forever program, the Committee on Conservation & State Lands (C&SL) working with the Office of Program Policy Analysis and Government Accountability (OPPAGA) reviewed the state's land acquisition and management process as it is currently being implemented. The C&SL prepared an interim report¹ that recommended to the legislature nine policy options:

1. Revise current Florida Forever goals and assign numeric weights to goals to assist the ARC and DSL in prioritizing land acquisition projects.
2. Require a more complete land management prospectus during the evaluation cycle of Florida Forever applications.
3. Expand the role of the Land Management Uniform Accounting Council Report to better capture and report land management activities.
4. Revise the land management plans to include cost estimate and time lines that identify anticipated results with measurable performance criteria, identify specific impediments to land management goals and incorporate cross-agency coordination and resource sharing.
5. Revise the current methodology utilized to allocate long term management funds and codify the long-term land management funds allocation formula.
6. Raise the priority of public access and create a measurement for public access.
7. Incorporate all state conservation lands into single management funding and reporting process.
8. Establish a single web-site identifying all state lands available for public recreational use.
9. Increase and enhance highway signage and access point identification.

OPPAGA offered four policy option recommendations²:

1. Maintain the current system of land management by three separate agencies.
2. Create a council to coordinate and oversee land management activities.
3. Centralize land management under one state agency.
4. Centralize all land management activities under a new entity.

Effect of Proposed Changes

The bill extends the current Florida Forever program by extending the retirement date for all Florida Forever bonds from December 31, 2030 to December 31, 2033 and raises the limit on the issuance of the bonds from \$3 billion to \$3.2 billion. The bill requires the legislature to analyze the state's debt ratio in relation to projected revenues prior to the authorization of any bonds for land acquisition and directs the legislature to complete an analysis of potential revenue sources for the Florida Forever program by February 1, 2010.

The bill transfers the Florida Communities Trust, as authorized by ss. 380.501 through 380.515, F.S., from the Department of Community Affairs to the Department of Environmental Protection (DEP). It also requests the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to conform Florida Statutes to the organizational changes made by this bill.

The bill amends s. 253.002, F.S., providing the Fish and Wildlife Conservation Commission (FWC) and the Department of Agriculture and Consumer Services (DACS) are the state's primary land managers for state lands title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund (board). The duties of the primary land managers is expanded to include concurrently developing the land management plans (LMP) required pursuant to s. 253.034(5), F.S., implementing the LMP's and monitoring the results of the land management activities.

Section 253.0325, F.S., is amended to require the DEP to initiate and maintain an information system that will be the basis land acquisition and land management decision making and modeling. The

¹ Committee on Conservation & State Lands, 2008. State Lands Acquisition and Management. Florida House of Representatives.

² Office of Program Policy Analysis and Government Accountability, 2007. Conservation Land Management Options for Legislative Consideration. Sunset Memorandum.

information system is to map, in an electronic format, the natural communities on each tract of state land and each proposed land acquisition. Natural community is defined as a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment. Each natural community will be partitioned into natural community categories, each natural community category will be partitioned into natural community groups and each natural community group will be partitioned into natural community types. DACS and FWC will assist in the development and standardization of the information system. The DEP may utilize a third party for the development of the information system and its data. However, the information system and its data are to be the property of the state.

State lands are to be managed to ensure the conservation of the state's plant and animal species and to assure the accessibility of public lands for the benefit and enjoyment all people of the state, both present and future. DACS and FWC are to prepare LMP's for state lands -- each LMP is to provide a desired outcome with measurable objectives to obtain the desired outcome. The desired outcomes include sustainability, improving habitat and increasing public access and will be the basis for all subsequent land management activity decisions.

To ensure the desired outcome is achieved, state lands are to be managed to achieve the following objectives:

- habitat restoration and improvement;
- public access and recreation;
- hydrological preservation and restoration;
- forest management;
- exotic and invasive species control; and
- financial sustainability of land management activities.

The LMP is to include the following elements:

- a physical description of the property;
- a quantitative data description of the property to include a survey of forest resources, exotic and invasive plants, hydrological features, capital facilities including recreational facilities -- the description shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan, all quantitative data collected are to be aggregated, standardized, collected and presented in an electronic format to allow for management reporting and analysis, and the information collected by the DEP pursuant to s. 253.0325(2), F.S., is to be available to the land manager and their assignee;
- a detailed description of each land management objective and the activities that are to be performed to meet the land management objectives-- each land management objective must be addressed by the land management plan but no land management objective shall be performed to the detriment of the other land management objectives;
- an activity matrix shall be prepared that contains a timeline, quantitative measures, detailed expense and manpower budgets for each activity; and
- a summary budget for the land management activities of the LMP which is to be prepared in such a manner that it facilitates an aggregation of land management costs for all state lands.

Upon completion, the LMP is to be transmitted to the Acquisition and Restoration Council for review. After a 30 day review and comment period, the LMP will become operational. If issues arise during the review and comment period that require revisions to the LMP, the Secretary of the Department of Environmental Protection, Commissioner of Agriculture, the Fish and Wildlife Commission or their designees are to develop a consensus for LMP changes and redraft the plan. During the redrafting period, no funds for the management of the land may be expended other than those needed to address emergency situations.

Annually, the state lands with an approved land management plan must be monitored by the FWC and reviewed by a certified third party. The FWC will prepare a monitoring report that accounts for the

progress of land management activities and specifically identifies deficiencies in the management activities. The monitoring report is to be submitted to DACS and the Acquisition and Restoration Council (ARC). The third party review and analysis of the management plan shall identify the progress of the management activities. The third party review and analysis is to provide suggested corrective actions needed to be taken by the land manager to address identified deficiencies. The third party review and analysis are to be submitted to DACS, FWC, and ARC. ARC is to review the monitoring report and the third party review and analysis and determine which deficiencies are of a significant enough to require a corrective action plan or revision to the LMP. Any corrective actions or revisions are to be brought in front of board who will determine whether the corrective actions or revisions sufficiently address the identified deficiencies. Corrective actions plans are then to be prepared and submitted in the same manner as the LMP.

During the development of the LMP, at least two public hearings are to be held. The LMP's are to be reviewed on rotating basis on a 10 year cycle.

Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed are to be reviewed by the ARC for its recommendation as to whether such lands should be managed by a private contractor, leased or disposed of by the board.

The bill repeals s. 253.034(6)(f)2.

The bill amends s. 259.032, F.S., providing that the board may allocate moneys from the Land Acquisition Trust Fund in any one year to acquire land through less-than-fee acquisitions to preserve agricultural lands under threat of conversion to development. The bill also requires that the costs of infrastructure and management identified in the management prospectus, adopted by the board pursuant to s. 259.032(9)(d), will be standardized and aggregated in a manner sufficient to allow reporting to board of trustee and the legislature. The bill allows the land managers to contract with private persons to assist in management activities.

The bill requires individual LMP's to conform to the requirements of s. 253.034(5), F.S., and include appropriate policies and guidelines of the LMP are to include key management activities necessary to achieve the desired outcome, including but not limited, providing public access, preserving and protecting natural resources and restoring habitat, controlling the spread of nonnative plants and animals, performing prescribed fire activities and other appropriate resource management activities.

The Secretary of the Department of Environmental Protection, the Executive Director of the Fish and Wildlife Conservation Commission, and the Commissioner of Agriculture are to prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2008 that provides the methodology used to develop and a recommendation for a formula to allocate land management funds provided for long-term management of all state lands. The methodology and formula shall recognize, but not be limited to, the following:

- the assignment of management intensity associated with the natural community categories, groups and types provided in 253.0325(2) and the related management activities to land management goals provided in 253.034(5);
- the assignment of management intensity associated with public access, including but not limited to;
 - the acres of land which require minimal effort for resource preservation, development, or restoration — these lands generally are open to the public but offer no more than minimally developed facilities,
 - the acres of land which require moderate effort for resource preservation, development, or restoration — these lands typically have a high degree of public use and offer highly developed facilities, and
 - the acres of land which require significant effort for resource preservation, development, or restoration — these lands generally are sites with historic significance or unique natural features, and a very high degree of public use;

- the acres of land with a secondary manager contributing to the over-all management effort;
- the anticipated revenues generated from management of the lands;
- the impacts of, and needs created or addressed by, multiple-use management strategies; and
- the acres of land with infestations of non-native or invasive plants, animals, or fish.

Beginning July 1, 2009, no funds shall be allocated, distributed or expended for long-term management of state lands until the allocation formula for funding land management activities has been affirmed by the legislature. Upon affirmation, the allocation formula will be used in the allocation and distribution of funds.

The bill amends ss. 259.035, and 259.036, F.S., providing for membership of the Acquisition and Restoration Council and management review teams.

The bill amends s. 259.037, F.S., providing for each land manager's annual report to the Land Management Uniform Accounting Council to include, in addition to currently required data:

- a report of the available public use options for each tract of state land and the total management cost for public access and public use and the cost associated with each use option;
- a list of the acres of land requiring minimal management effort, moderate management effort, and significant management effort, and for each category the amount of funds requested, the amount of funds received, and the amount of funds expended for land management;
- a description of planned management activities and accomplished land management activities;
- a list of acres managed and the cost of management for each tract by natural community delineation, based on the Florida Natural Areas Inventory's 1990 hierarchical classification, including the natural community category, the natural community group, and the natural community type; and
- a list of acres managed, the cost of management, and the lead manager for state lands tracts for which secondary management activities were provided.

Section. 259.105, F.S., is amended to provide encouragement for use of rural-lands-protection easements to provide protection of working-lands while maintaining state lands goals and objectives.

C. SECTION DIRECTORY:

- Section 1. Amends s. 201.15, F.S., providing a retirement date for Florida Forever bonds.
- Section 2. Amends s. 215.618, F.S., providing a cap for issuance of Florida Forever bonds and providing Legislature will analyze debt to revenue ratio.
- Section 3. Providing for the transfer of the Florida Communities Trust to the Department of Environmental Protection.
- Section 4. Providing a request for a reviser's bill to conform statutory changes.
- Section 5. Amends s. 253.002, F.S., providing the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services are the state's primary land managers, and specifying certain duties of land managers.
- Section 6. Amends s. 253.0325, F.S., providing the Department of Environmental protection shall initiate and maintain a specified information system.
- Section 7. Amends s. 253.034, F.S., providing state lands management objectives. Repeals s. 253.034(6)(f)2.
- Section 8. Amends s. 259.032, F.S., providing policies for management activities and management funds allocation.
- Section 9. Amends s. 259.035, F.S., providing for membership of Acquisition and Restoration Council.
- Section 10. Amends s. 259.036, F.S., providing for membership of management review teams.
- Section 11. Amends s. 259.037, F.S., providing for Land Management Uniform Accounting Council report contents.
- Section 12. Amends s. 229.105, F.S., providing for use of rural-lands-protection easements.
- Section 13. Amends s. 259.1051, F.S., providing a cap for issuance of Florida Forever bonds.

Section 14. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See Fiscal Comments.
2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill authorizes an additional \$200 million dollars to be issued in Florida Forever bonds and extends the retirement date of these bonds to December 31, 2033. The debt service is estimated to be \$20 million per year for this funding increase. The FCT program with all funding sources will be transferred from the DCA to the DEP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:
None.

B. RULE-MAKING AUTHORITY:

No new rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES



**COMMITTEE ON
CONSERVATION & STATE LANDS**

**WEDNESDAY, MARCH 26, 2008
5:15 PM – 7:00 PM
216 THE CAPITOL**

3rd ADDENDUM

AMENDMENTS

1 A bill to be entitled
 2 An act relating to state lands; amending s. 201.15 F.S.;
 3 providing a retirement date for Florida Forever bonds;
 4 amending s. 215.618, F.S.; providing a maximum dollar
 5 amount for issuance of Florida Forever bonds; providing the
 6 legislature shall analyze debt to projected revenue ratio;
 7 providing the legislature shall analyze potential revenue
 8 sources for the Florida Forever program; amending s.
 9 253.002, F.S.; providing the and the Department of
 10 Agriculture and Consumer Services are designated the
 11 state's primary land managers; providing certain duties;
 12 amending s. 253.025, F.S.; providing the Board of Trustees
 13 of the Internal Improvement Trust Fund to replace the
 14 Division of state lands for certain responsibilities;
 15 providing for selection of property appraisers; providing
 16 for joint purchase appraisals; amending s. 253.0325, F.S.;
 17 providing for modernization of state lands records;
 18 amending s. 253.034, F.S.; providing for management of
 19 conservation lands; providing minimum requirements for land
 20 management plans; providing for review of land management
 21 plans; providing remedy for deficient land management
 22 plans; providing for appraisals of surplus lands; repealing
 23 s. 253.034(6)(f)2.; amending s. 253.111, F.S.; providing
 24 notice period; amending s. 253.82, F.S.; amending s.
 25 259.032, F.S.; providing for protection of agricultural
 26 lands through less-than-fee acquisitions; providing
 27 conditions for less-than-fee acquisitions; providing for
 28 lands with imperiled species habitat; providing for

29 restoration management; providing for cost reporting;
 30 providing for public hearings; providing for key land
 31 management activities; providing requirements for
 32 development of long-term management funds allocation
 33 formula; providing for report to legislature; providing for
 34 legislative approval of long-term management funds
 35 allocation formula; providing for use of long-term
 36 management funds allocation formula; amending s. 259.035,
 37 F.S.; providing for appointment of Acquisition and
 38 Restoration Council membership; amending s. 259.036, F.S.;
 39 providing for appointment of management review team
 40 membership; amending s. 259.037, F.S.; providing Land
 41 Management Uniform Accounting Council reporting
 42 requirements; amending s. 259.036, F.S.; providing state's
 43 contribution in joint acquisitions; providing for
 44 Legislative Budget Commission approval when single purchase
 45 exceeds \$100; providing for appraisals and funds transfers;
 46 providing option to purchase lands from non-profit
 47 organization shall be approved by the legislature; amending
 48 s. 259.105, F.S.; providing additional habitats and land
 49 uses in Florida Forever program; provides legislative
 50 intent; provides for partnerships for environmental
 51 mitigation and conservation; provides for alternative
 52 revenue sources; provides for state technical assistance to
 53 the military for imperiled species habitat restoration and
 54 management; provides for allocation of Florida forever
 55 funds; provides for state lands acquisition and restoration
 56 listing by science based assessments; provides for

57 performance measures for imperiled species habitat;
 58 provides for conveyance of title under certain conditions;
 59 provides for an Acquisition and Restoration Council annual
 60 work plan; provides criteria for the work plan; provides
 61 for increased priority for projects with matching funds;
 62 provides for interim budget criteria; provides for use of
 63 rural-lands-protection easements; transferring the Florida
 64 Community Trust from the Department of Community Affairs to
 65 the Department of Environmental Protection; requesting the
 66 Division of Statutory Revision of the Joint Legislative
 67 Management Committee to prepare a reviser's bill to conform
 68 the Florida Statutes to the organizational changes made by
 69 this act; providing an effective date.

70
71

72 Be It Enacted by the Legislature of the State of Florida:

73

74 Section 1. Paragraph (a) of subsection (1) of section
 75 201.15, Florida Statutes, is amended to read:

76 201.15 Distribution of taxes collected.--All taxes
 77 collected under this chapter shall be distributed as follows and
 78 shall be subject to the service charge imposed in s. 215.20(1),
 79 except that such service charge shall not be levied against any
 80 portion of taxes pledged to debt service on bonds to the extent
 81 that the amount of the service charge is required to pay any
 82 amounts relating to the bonds:

83 (1) Sixty-two and sixty-three hundredths percent of the
 84 remaining taxes collected under this chapter shall be used for

85 the following purposes:

86 (a) Amounts as shall be necessary to pay the debt service
 87 on, or fund debt service reserve funds, rebate obligations, or
 88 other amounts payable with respect to Preservation 2000 bonds
 89 issued pursuant to s. 375.051 and Florida Forever bonds issued
 90 pursuant to s. 215.618, shall be paid into the State Treasury to
 91 the credit of the Land Acquisition Trust Fund to be used for
 92 such purposes. The amount transferred to the Land Acquisition
 93 Trust Fund shall not exceed \$300 million in fiscal year 1999-
 94 2000 and thereafter for Preservation 2000 bonds and bonds issued
 95 to refund Preservation 2000 bonds, and \$300 million in fiscal
 96 year 2000-2001 and thereafter for Florida Forever bonds. The
 97 annual amount transferred to the Land Acquisition Trust Fund for
 98 Florida Forever bonds shall not exceed \$30 million in the first
 99 fiscal year in which bonds are issued. The limitation on the
 100 amount transferred shall be increased by an additional \$30
 101 million in each subsequent fiscal year, but shall not exceed a
 102 total of \$300 million in any fiscal year for all bonds issued.
 103 It is the intent of the Legislature that all bonds issued to
 104 fund the Florida Forever Act be retired by December 31, 2042
 105 ~~2030~~. Except for bonds issued to refund previously issued bonds,
 106 no series of bonds may be issued pursuant to this paragraph
 107 unless such bonds are approved and the debt service for the
 108 remainder of the fiscal year in which the bonds are issued is
 109 specifically appropriated in the General Appropriations Act. For
 110 purposes of refunding Preservation 2000 bonds, amounts
 111 designated within this section for Preservation 2000 and Florida
 112 Forever bonds may be transferred between the two programs to the

113 extent provided for in the documents authorizing the issuance of
 114 the bonds. The Preservation 2000 bonds and Florida Forever bonds
 115 shall be equally and ratably secured by moneys distributable to
 116 the Land Acquisition Trust Fund pursuant to this section, except
 117 to the extent specifically provided otherwise by the documents
 118 authorizing the issuance of the bonds. No moneys transferred to
 119 the Land Acquisition Trust Fund pursuant to this paragraph, or
 120 earnings thereon, shall be used or made available to pay debt
 121 service on the Save Our Coast revenue bonds.

122 Section 2. Subsection (1) of section 215.618, Florida
 123 Statutes, is amended to read:

124 215.618 Bonds for acquisition and improvement of land,
 125 water areas, and related property interests and resources.--

126 (1) (a) The issuance of Florida Forever bonds, not to
 127 exceed \$6 ~~\$3~~ billion, to finance or refinance the cost of
 128 acquisition and improvement of land, water areas, and related
 129 property interests and resources, in urban and rural settings,
 130 for the purposes of restoration, conservation, recreation, water
 131 resource development, or historical preservation, and for
 132 capital improvements to lands and water areas that accomplish
 133 environmental restoration, enhance public access and
 134 recreational enjoyment, promote long-term management goals, and
 135 facilitate water resource development is hereby authorized,
 136 subject to the provisions of s. 259.105 and pursuant to s.
 137 11(e), Art. VII of the State Constitution. Florida Forever bonds
 138 may also be issued to refund Preservation 2000 bonds issued
 139 pursuant to s. 375.051. The \$6 ~~\$3~~ billion limitation on the
 140 issuance of Florida Forever bonds does not apply to refunding

141 bonds. The duration of each series of Florida Forever bonds
 142 issued may not exceed 20 annual maturities. Preservation 2000
 143 bonds and Florida Forever bonds shall be equally and ratably
 144 secured by moneys distributable to the Land Acquisition Trust
 145 Fund pursuant to s. 201.15(1)(a), except to the extent
 146 specifically provided otherwise by the documents authorizing the
 147 issuance of the bonds.

148 (b) Beginning July 1, 2010, the Legislature shall analyze
 149 the state's debt ratio in relation to projected revenues prior
 150 to the authorization to issue any bonds for Florida Forever land
 151 acquisition.

152 (c) By February 1, 2010, the Legislature shall complete an
 153 analysis of potential revenue sources for Florida Forever.

154 Section 3. Subsection (1) of section 253.002, Florida
 155 Statutes, is amended to read:

156 253.002 Department of Environmental Protection, water
 157 management districts, and Department of Agriculture and
 158 Consumer Services; duties with respect to state lands.--

159 (1) The Department of Environmental Protection shall
 160 perform all staff duties and functions related to the
 161 acquisition, administration, and disposition of state lands,
 162 title to which is or will be vested in the Board of Trustees of
 163 the Internal Improvement Trust Fund. The and the Department of
 164 Agriculture and Consumer Service are designated the state's
 165 primary land managers. The duties and responsibility of the
 166 state's primary land managers include, but are not limited to,
 167 concurrently developing the land management plans required
 168 pursuant to s. 253.034(5), and implementing the approved land

169 management plans. However, upon the effective date of rules
 170 adopted pursuant to s. 373.427, a water management district
 171 created under s. 373.069 shall perform the staff duties and
 172 functions related to the review of any application for
 173 authorization to use board of trustees-owned submerged lands
 174 necessary for an activity regulated under part IV of chapter 373
 175 for which the water management district has permitting
 176 responsibility as set forth in an operating agreement adopted
 177 pursuant to s. 373.046(4); and the Department of Agriculture and
 178 Consumer Services shall perform the staff duties and functions
 179 related to the review of applications and compliance with
 180 conditions for use of board of trustees-owned submerged lands
 181 under authorizations or leases issued pursuant to ss. 253.67-
 182 253.75 and 597.010. Unless expressly prohibited by law, the
 183 board of trustees may delegate to the department any statutory
 184 duty or obligation relating to the acquisition, administration,
 185 or disposition of lands, title to which is or will be vested in
 186 the board of trustees. The board of trustees may also delegate
 187 to any water management district created under s. 373.069 the
 188 authority to take final agency action, without any action on
 189 behalf of the board, on applications for authorization to use
 190 board of trustees-owned submerged lands for any activity
 191 regulated under part IV of chapter 373 for which the water
 192 management district has permitting responsibility as set forth
 193 in an operating agreement adopted pursuant to s. 373.046(4).
 194 This water management district responsibility under this
 195 subsection shall be subject to the department's general
 196 supervisory authority pursuant to s. 373.026(7). The board of

197 trustees may also delegate to the Department of Agriculture and
 198 Consumer Services the authority to take final agency action on
 199 behalf of the board on applications to use board of trustees-
 200 owned submerged lands for any activity for which that department
 201 has responsibility pursuant to ss. 253.67-253.75 and 597.010.
 202 However, the board of trustees shall retain the authority to
 203 take final agency action on establishing any areas for leasing,
 204 new leases, expanding existing lease areas, or changing the type
 205 of lease activity in existing leases. Upon issuance of an
 206 aquaculture lease or other real property transaction relating to
 207 aquaculture, the Department of Agriculture and Consumer Services
 208 must send a copy of the document and the accompanying survey to
 209 the Department of Environmental Protection.

210 Section 4. Paragraphs (b), (e), and (f) of subsection (6)
 211 of section 253.025, Florida Statutes, is amended to read:

212 253.025 Acquisition of state lands for purposes other than
 213 preservation, conservation, and recreation.--

214 (6) Prior to negotiations with the parcel owner to
 215 purchase land pursuant to this section, title to which will vest
 216 in the board of trustees, an appraisal of the parcel shall be
 217 required as follows:

218 (b) Appraisal fees shall be paid by the agency proposing
 219 the acquisition. The board of trustees shall approve qualified
 220 fee appraisal organizations. All appraisals used for the
 221 acquisition of lands pursuant to this section shall be prepared
 222 by a member of an approved appraisal organization or by a state-
 223 certified appraiser. The board of trustees ~~Division of State~~
 224 ~~Lands~~ shall adopt rules for selecting individuals to perform

225 appraisals pursuant to this section. Each fee appraiser selected
 226 to appraise a particular parcel shall, prior to contracting with
 227 the agency, submit to that agency an affidavit substantiating
 228 that he or she has no vested or fiduciary interest in such
 229 parcel.

230 (e) Prior to acceptance of an appraisal, the agency shall
 231 submit a copy of such report to the Division of State Lands. The
 232 division shall review such report for compliance with the rules
 233 of the board of trustees. ~~With respect to proposed purchases in~~
 234 ~~excess of \$250,000, this review shall include a general field~~
 235 ~~inspection of the subject property by the review appraiser. The~~
 236 ~~review appraiser may reject an appraisal report following a desk~~
 237 ~~review, but is prohibited from approving an appraisal report in~~
 238 ~~excess of \$250,000 without a field review.~~ Any questions of
 239 applicability of laws affecting an appraisal shall be addressed
 240 by the legal office of the agency.

241 (f) The appraisal report shall be accompanied by the sales
 242 history of the parcel for at least the prior 5 years. Such sales
 243 history shall include all parties and considerations with the
 244 amount of consideration verified, if possible. If a sales
 245 history would not be useful, or its cost prohibitive compared to
 246 the value of a parcel, the sales history may be waived by the
 247 board of trustees ~~Secretary of Environmental Protection or the~~
 248 ~~director of the Division of State Lands.~~ The board of trustees
 249 ~~department~~ shall adopt a rule specifying guidelines for waiver
 250 of a sales history.

251 Section 5. Subsection (6) and (7) of section 253.025,
 252 Florida Statutes, is amended to read:

253 253.025 Acquisition of state lands for purposes other than
 254 preservation, conservation, and recreation.--

255 (6) Prior to negotiations with the parcel owner to
 256 purchase land pursuant to this section, title to which will vest
 257 in the board of trustees, an appraisal of the parcel shall be
 258 required as follows:

259 (a) Each parcel to be acquired shall have at least one
 260 appraisal. Two appraisals are required when the estimated value
 261 of the parcel exceeds \$500,000 ~~\$1 million~~. When two appraisals
 262 are required, one appraiser shall be selected by the Department
 263 of Agriculture and Consumer Services. When both appraisals
 264 exceed and differ significantly, a third appraisal shall be
 265 obtained, with the Department of Financial Services selecting
 266 the third appraiser. Two appraisals shall be considered to
 267 differ significantly if the higher of the two values exceeds
 268 120% of the lower value. When the estimated value of a parcel
 269 exceeds \$500,000, the review appraiser shall be selected by the
 270 Department of Financial Services. To provide for payment by the
 271 agency selecting the second and third appraiser and review
 272 appraiser, as required by this section, the Department of
 273 Environmental Protection shall enter into interagency agreements
 274 with the Department of Agriculture and Consumer Services and the
 275 Department of Financial Services, whereby funds will be
 276 transferred to those agencies for that purpose upon direction of
 277 the selecting agency. When a parcel is estimated to be worth
 278 When a parcel is estimated to be worth \$100,000 or less and the
 279 director of the Division of State Lands finds that the cost of
 280 an outside appraisal is not justified, an appraisal prepared by

281 the division may be used ~~a comparable sales analysis or other~~
 282 ~~reasonably prudent procedures may be used by the division to~~
 283 ~~estimate the value of the parcel, provided the public's interest~~
 284 ~~is reasonably protected.~~ The state is not required to appraise
 285 the value of lands and appurtenances that are being donated to
 286 the state.

287 (b) Appraisal fees shall be paid by the agency proposing
 288 the acquisition. The board of trustees shall approve qualified
 289 fee appraisal organizations. All appraisals used for the
 290 acquisition of lands pursuant to this section shall be prepared
 291 by a member of an approved appraisal organization or by a state-
 292 certified appraiser. The Division of State Lands shall adopt
 293 rules for selecting individuals to perform appraisals pursuant
 294 to this section. Each fee appraiser selected to appraise a
 295 particular parcel shall, prior to contracting with the agency,
 296 submit to that agency an affidavit substantiating that he or she
 297 has no vested or fiduciary interest in such parcel.

298 (c) The board of trustees shall adopt by rule the minimum
 299 criteria, techniques, and methods to be used in the preparation
 300 of appraisal reports. Such rules shall incorporate, to the
 301 extent practicable, generally accepted appraisal standards. Any
 302 appraisal issued for acquisition of lands pursuant to this
 303 section must comply with the rules adopted by the board of
 304 trustees. A certified survey must be made which meets the
 305 minimum requirements for upland parcels established in the
 306 Minimum Technical Standards for Land Surveying in Florida
 307 published by the Department of Business and Professional
 308 Regulation and which accurately portrays, to the greatest extent

309 practicable, the condition of the parcel as it currently exists.
 310 The requirement for a certified survey may, in part or in whole,
 311 be waived by the board of trustees any time prior to submitting
 312 the agreement for purchase to the Division of State Lands. When
 313 an existing boundary map and description of a parcel are
 314 determined by the division to be sufficient for appraisal
 315 purposes, the division director may temporarily waive the
 316 requirement for a survey until any time prior to conveyance of
 317 title to the parcel. The fee appraiser and the review appraiser
 318 ~~for the agency~~ shall not act in any way that may be construed as
 319 negotiating with the property owner.

320 (d) Appraisal reports are confidential and exempt from the
 321 provisions of s. 119.07(1), for use by the agency and the board
 322 of trustees, until an option contract is executed or, if no
 323 option contract is executed, until 2 weeks before a contract or
 324 agreement for purchase is considered for approval by the board
 325 of trustees. However, the Division of State Lands may disclose
 326 appraisal information to public agencies or nonprofit
 327 organizations that agree to maintain the confidentiality of the
 328 reports or information when joint acquisition of property is
 329 contemplated, or when a public agency or nonprofit organization
 330 enters into a written agreement with the division to purchase
 331 and hold property for subsequent resale to the division. In
 332 addition, the division may use, as its own, appraisals obtained
 333 by a public agency or nonprofit organization, provided the
 334 appraiser is selected from the division's list of appraisers and
 335 the appraisal is reviewed and approved by the division. For the
 336 purposes of this paragraph, "nonprofit organization" means an

337 organization whose purpose is the preservation of natural
 338 resources, and which is exempt from federal income tax under s.
 339 501(c)(3) of the Internal Revenue Code. The agency may release
 340 an appraisal report when the passage of time has rendered the
 341 conclusions of value in the report invalid.

342 (e) Prior to acceptance of an appraisal, the agency shall
 343 submit a copy of such report to the Division of State Lands. The
 344 division shall review such report for compliance with the rules
 345 of the board of trustees. With respect to proposed purchases in
 346 excess of \$250,000, this review shall include a general field
 347 inspection of the subject property by the review appraiser. The
 348 review appraiser may reject an appraisal report following a desk
 349 review, but is prohibited from approving an appraisal report in
 350 excess of \$250,000 without a field review. Any questions of
 351 applicability of laws affecting an appraisal shall be addressed
 352 by the legal office of the agency.

353 (f) The appraisal report shall be accompanied by the sales
 354 history of the parcel for at least the prior 5 years. Such sales
 355 history shall include all parties and considerations with the
 356 amount of consideration verified, if possible. If a sales
 357 history would not be useful, or its cost prohibitive compared to
 358 the value of a parcel, the sales history may be waived by the
 359 Secretary of Environmental Protection or the director of the
 360 Division of State Lands. The department shall adopt a rule
 361 specifying guidelines for waiver of a sales history.

362 (g) The board of trustees may consider an appraisal
 363 acquired by a seller, or any part thereof, in negotiating to
 364 purchase a parcel, but such appraisal may not be used in lieu of

365 an appraisal required by this subsection or to determine the
 366 maximum offer allowed by law.

367 (7) (a) When the owner is represented by an agent or
 368 broker, negotiations may not be initiated or continued until a
 369 written statement verifying such agent's or broker's legal or
 370 fiduciary relationship with the owner is on file with the
 371 agency.

372 (b) The board of trustees or any state agency may contract
 373 for real estate acquisition services, including, but not limited
 374 to, contracts for real estate commission fees.

375 (c) Upon the initiation of negotiations, the state agency
 376 shall inform the owner in writing that all agreements for
 377 purchase are subject to approval by the board of trustees.

378 (d) All offers or counteroffers shall be documented in
 379 writing and shall be confidential and exempt from the provisions
 380 of s. 119.07(1) until an option contract is executed, or if no
 381 option contract is executed, until 2 weeks before a contract or
 382 agreement for purchase is considered for approval by the board
 383 of trustees. The agency shall maintain complete and accurate
 384 records of all offers and counteroffers for all projects.

385 (e)1. The board of trustees shall adopt by rule the method
 386 for determining the value of parcels sought to be acquired by
 387 state agencies pursuant to this section. No offer by a state
 388 agency, except an offer by an agency acquiring lands pursuant to
 389 s. 259.041, may exceed the value for that parcel as determined
 390 pursuant to the highest approved appraisal or the value
 391 determined pursuant to the rules of the board of trustees,
 392 whichever value is less.

393 2. In the case of a joint acquisition by a state agency
 394 and a local government or other entity apart from the state, the
 395 joint purchase price may not exceed ~~150 percent~~ of the value for
 396 a parcel as determined in accordance with the limits prescribed
 397 in subparagraph 1. The state agency share of a joint purchase
 398 offer shall ~~may~~ not exceed the difference between the appraised
 399 value, as determined by the state, and the sum of the
 400 contributions of the other parties ~~what the agency may offer~~
 401 ~~singly as prescribed by subparagraph 1.~~

402 3. The provisions of this paragraph do not apply to the
 403 acquisition of historically unique or significant property as
 404 determined by the Division of Historical Resources of the
 405 Department of State.

406 (f) When making an offer to a landowner, a state agency
 407 shall consider the desirability of a single cash payment in
 408 relation to the maximum offer allowed by law.

409 (g) The state shall have the authority to reimburse the
 410 owner for the cost of the survey when deemed appropriate. The
 411 reimbursement shall not be considered a part of the purchase
 412 price.

413 (h) A final offer shall be in the form of an option
 414 contract or agreement for purchase and shall be signed and
 415 attested to by the owner and the representative of the agency.
 416 Before the agency executes the option contract or agreement for
 417 purchase, the contract or agreement shall be reviewed for form
 418 and legality by legal staff of the agency. Before the agency
 419 signs the agreement for purchase or exercises the option
 420 contract, the provisions of s. 286.23 shall be complied with.

421 Within 10 days after the signing of the agreement for purchase,
 422 the state agency shall furnish the Division of State Lands with
 423 the original of the agreement for purchase along with copies of
 424 the disclosure notice, evidence of marketability, the accepted
 425 appraisal report, the fee appraiser's affidavit, a statement
 426 that the inventory of existing state-owned lands was examined
 427 and contained no available suitable land in the area, and a
 428 statement outlining the public purpose for which the acquisition
 429 is being made and the statutory authority therefore.

430 (i) Within 45 days of receipt by the Division of State
 431 Lands of the agreement for purchase and the required
 432 documentation, the board of trustees or, when the purchase price
 433 does not exceed \$100,000, its designee shall either reject or
 434 approve the agreement. An approved agreement for purchase is
 435 binding on both parties. Any agreement which has been
 436 disapproved shall be returned to the agency, along with a
 437 statement as to the deficiencies of the agreement or the
 438 supporting documentation. An agreement for purchase which has
 439 been disapproved by the board of trustees may be resubmitted
 440 when such deficiencies have been corrected.

441 Section 6. Section 253.0325, Florida Statutes, is amended
 442 to read:

443 253.0325 Modernization of state lands records.--

444 (1) The Department of Environmental Protection shall
 445 initiate an ongoing computerized information systems program to
 446 modernize its state lands records and documents that relate to
 447 all lands that have been acquired under the Florida Preservation
 448 2000 act pursuant to s. 259.101 or the Florida Forever Act

449 pursuant to s. 259.105, including but not limited to, lands to
 450 which title is vested in the Board of Trustees of the Internal
 451 Improvement Trust Fund. The program shall include, at a minimum:

452 (a) A document management component to automate the
 453 storage and retrieval of information contained in state lands
 454 records.

455 (b) A land records management component to organize the
 456 records by key elements present in the data.

457 (c) An evaluation component which includes the collection
 458 of resource and environmental data.

459 (d) A mapping component to generate and store maps of
 460 state-owned parcels using data from the land records management
 461 and evaluation components.

462 (e) The bond covenants related to each tract purchase and
 463 the expiration of such bond covenants.

464 (2) The Department of Environmental Protection shall
 465 initiate and maintain an information system that is the basis
 466 for land acquisition and land management decision making and
 467 modeling. The information system shall map in an electronic
 468 format the natural communities on each tract of state land and
 469 each proposed land acquisition. Natural community is defined as
 470 a distinct and recurring assemblage of populations of plants,
 471 animals, fungi and microorganisms naturally associated with each
 472 other and their physical environment. Each natural community
 473 will be partitioned into natural community categories. Each
 474 natural community category will be partitioned into natural
 475 community groups, and each natural community group will be
 476 partitioned into natural community types. The Department of

477 Agriculture and Consumer Services and the will assist in the
 478 development and standardization of such a system. The
 479 Department of Environmental Protection may utilize a third party
 480 for the information system and its data. The Information system
 481 and its data are to be proprietary to the state.

482 (3)~~(2)~~ At all stages of its records modernization program,
 483 the department shall seek to ensure information systems
 484 compatibility within the department and with other state, local,
 485 and regional governmental agencies. The department also shall
 486 seek to promote standardization in the collection of information
 487 regarding state-owned lands by federal, state, regional, and
 488 local agencies.

489 (4)~~(3)~~ The information collected and stored as a result of
 490 the department's modernization of state lands records shall not
 491 be considered a final or complete accounting of lands which the
 492 state owns or to which the state may claim ownership.

493 Section 7. Subsections (1), (2), (4), (5) and (6) of section
 494 253.034, Florida Statutes, are amended to read:

495 253.034 State-owned lands; uses.--

496 (1) All lands acquired pursuant to chapter 259 shall be
 497 managed to serve the public interest by protecting and
 498 conserving land, air, water, and the state's natural resources,
 499 which contribute to the public health, welfare, and economy of
 500 the state. These lands shall be managed to provide for areas of
 501 recreation, including but not limited to, natural resource based
 502 recreation, and to ensure the survival of plant and animal
 503 species and the conservation of finite and renewable natural
 504 resources. The state's lands and natural resources shall be

505 managed using a stewardship ethic that assures these resources
 506 will be available for the benefit and enjoyment of all people of
 507 the state, both present and future. It is the intent of the
 508 Legislature that, where feasible and consistent with the goals
 509 of protection and conservation of natural resources associated
 510 with lands held in the public trust by the Board of Trustees of
 511 the Internal Improvement Trust Fund, public land not designated
 512 for single-use purposes pursuant to paragraph (2) (b) be managed
 513 for multiple-use purposes. All multiple-use land management
 514 strategies shall address public access and enjoyment, resource
 515 conservation and protection, ecosystem maintenance and
 516 protection, and protection of threatened and endangered species,
 517 and the degree to which public-private partnerships or
 518 endowments may allow the entity with management responsibility
 519 to enhance its ability to manage these lands. The council
 520 created in s. 259.035 shall recommend rules to the board of
 521 trustees, and the board shall adopt rules necessary to carry out
 522 the purposes of this section.

523 (2) As used in this section, the following phrases have
 524 the following meanings:

525 (a) "Multiple use" means the harmonious and coordinated
 526 management of timber, recreation, conservation of fish and
 527 wildlife, forage, archaeological and historic sites, habitat and
 528 other biological resources, or water resources so that they are
 529 utilized in the combination that will best serve the people of
 530 the state, making the most judicious use of the land for ~~some or~~
 531 all of these resources and giving consideration to the relative
 532 values of the various resources. Where necessary and appropriate

533 for all state-owned lands that are larger than 1,000 acres in
 534 project size and are managed for multiple uses, buffers may be
 535 formed around any areas that require special protection or have
 536 special management needs. Such buffers shall not exceed more
 537 than one-half of the total acreage. Multiple uses within a
 538 buffer area may be restricted to provide the necessary buffering
 539 effect desired. Multiple use in this context includes both uses
 540 of land or resources by more than one management entity, which
 541 may include private sector land managers. In any case, lands
 542 identified as multiple-use lands in the land management plan
 543 shall be managed to enhance public access and conserve the lands
 544 and resources for the enjoyment of the people of the state.

545 (b) "Single use" means management for one particular
 546 purpose to the exclusion of all other purposes, except that the
 547 using entity shall have the option of including in its
 548 management program compatible secondary purposes which will not
 549 detract from or interfere with the primary management purpose.
 550 Such single uses may include, but are not necessarily restricted
 551 to, the use of agricultural lands for production of food and
 552 livestock, the use of improved sites and grounds for
 553 institutional purposes, ~~and the use of lands for parks,~~
 554 ~~preserves, wildlife management,~~ archaeological or historic
 555 sites, designated preserves, or wilderness areas where the
 556 maintenance of essentially natural conditions is important. All
 557 submerged lands shall be considered single-use lands and shall
 558 be managed primarily for the maintenance of essentially natural
 559 conditions, the propagation of fish and wildlife, and public
 560 recreation, including hunting and fishing where deemed

561 appropriate by the managing entity, except where public access
 562 to state waters are enhanced.

563 (c) "Conservation lands" means state owned lands that are
 564 currently managed by the Department of Agriculture and Consumer
 565 Services, the and the Department of Environmental Protection
 566 for conservation, outdoor ~~resource-based~~ recreation, or
 567 archaeological or historic preservation, ~~except those lands that~~
 568 ~~were acquired solely to facilitate the acquisition of other~~
 569 ~~conservation lands.~~ Lands acquired for uses other than
 570 conservation, outdoor resource-based recreation, or
 571 archaeological or historic preservation shall not be designated
 572 conservation lands ~~except as otherwise authorized under this~~
 573 ~~section.~~ These lands shall include, but not be limited to, the
 574 following: correction and detention facilities, military
 575 installations and facilities, state office buildings,
 576 maintenance yards, state university or state community college
 577 campuses, agricultural field stations or offices, tower sites,
 578 law enforcement and license facilities, laboratories, hospitals,
 579 clinics, and other sites that possess no ~~significant~~ natural or
 580 historical resources. However, lands acquired solely to
 581 facilitate the acquisition of other conservation land shall be
 582 considered conservation lands and included in land management
 583 plans and included in the allocation of land management funding,
 584 if in doing so provides an increase in public recreation
 585 opportunities or creates a more efficient land management plan.
 586 ~~However, lands acquired solely to facilitate the acquisition of~~
 587 ~~other conservation lands, and for which the land management plan~~
 588 ~~has not yet been completed or updated, may be evaluated by the~~

589 ~~Board of Trustees of the Internal Improvement Trust Fund on a~~
 590 ~~case-by-case basis to determine if they will be designated~~
 591 ~~conservation lands.~~

592
 593 Lands acquired by the state as a gift, through donation, or by
 594 any other conveyance for which no consideration was paid, and
 595 which are not managed for conservation, outdoor resource-based
 596 recreation, or archaeological or historic preservation under a
 597 land management plan approved by the board of trustees are not
 598 conservation lands.

599 (5) State lands shall be managed to ensure the
 600 conservation of the state's plant and animal species and to
 601 assure the accessibility of state lands for the benefit and
 602 enjoyment of all people of the state, both present and future.
 603 Each land management plan shall provide a desired outcome, and
 604 shall describe both short-term and long-term management goals
 605 and include measurable objectives to achieve those goals.
 606 Short-term goals shall be achievable within a two year planning
 607 period and long-term goals shall be achievable within a ten year
 608 planning period. These short-term and long-term management
 609 goals shall be the basis for all subsequent land management
 610 activities and are intended to be financially sustainable in
 611 achieving the desired outcome.

612 (a) Short-term and long-term management goals shall
 613 include measureable objectives for the following:.

- 614 1. Habitat restoration and improvement.
- 615 2. Public access and recreational opportunities.
- 616 3. Hydrological preservation and restoration.

- 617 4. Sustainable forest management.
- 618 5. Exotic and invasive species maintenance and control.
- 619 6. Capital facilities and infrastructure
- 620 7. Financial sustainability of land management activities.
- 621 (b) The land management plan shall at a minimum contain
- 622 the following elements:
- 623 1. Physical description of the land.
- 624 2. A quantitative data description of the land that
- 625 includes an inventory of forest resources; exotic and invasive
- 626 plants; hydrological features; infrastructure, including
- 627 recreational facilities; and other significant land features.
- 628 The inventory shall reflect the number of acres for each
- 629 resource and feature, when appropriate. The inventory shall be
- 630 of such detail that objective measures and benchmarks can be
- 631 established for each tract of land and monitored during the
- 632 lifetime of the plan. All quantitative data collected shall be
- 633 aggregated, standardized, collected and presented in an
- 634 electronic format to allow for uniform management reporting and
- 635 analysis. The information collected by the Department of
- 636 Environmental Protection pursuant to s. 253.0325(2) shall be
- 637 available to the land manager and their assignee.
- 638 3. A detailed description of each short-term and long-term
- 639 land management goal, the associated measureable objectives and
- 640 the related activities that are to be performed to meet the land
- 641 management objectives. Each land management objective must be
- 642 addressed by the land management plan but no land management
- 643 objective shall be performed to the detriment of the other land
- 644 management objectives.

645 4. A schedule of land management activities shall be
 646 prepared that contains short-term and long-term land management
 647 goals and the related measureable objective and activities. The
 648 schedule shall include for each activity a timeline for
 649 completion, quantitative measures, and detailed expense and
 650 manpower budgets. The schedule is to provide a management tool
 651 that facilitates development of performance measures.

652 5. A summary budget for the scheduled land management
 653 activities of the land management plan. The summary budget
 654 shall be prepared in such a manner that it facilitates computing
 655 an aggregate of land management costs for all state managed
 656 lands utilizing the categories described in s. 259.037(3).

657 (c) Upon completion, the land management plan will be
 658 transmitted to the Acquisition and Restoration Council for
 659 review. After a 30-day review and comment period, the land
 660 management plan will become operational. If the Acquisition and
 661 Restoration Council determines that revisions to the land
 662 management plan are needed, the Secretary of the Department of
 663 Environmental Protection, Commissioner of Agriculture, and
 664 Executive Director of the or their designees shall develop a
 665 consensus for the revisions and redraft the plan. During the
 666 redrafting period, no funds for the management of the land may
 667 be expended other than those needed to address emergency
 668 situations.

669 (d) Biennially, the state lands with an approved land
 670 management plan must be monitored by the and reviewed by a
 671 certified third party. The shall prepare a monitoring report
 672 that assesses the progress towards achieving short-term and

673 long-term land management goal and shall identify deficiencies
 674 in management activities. The monitoring report shall be
 675 submitted to the Acquisition and Restoration Council and the
 676 managing agency. The third party review and analysis of the
 677 management plan shall identify the progress toward achieving
 678 short-term and long-term land management goal. The third party
 679 review and analysis shall describe corrective actions to address
 680 identified deficiencies. The third party review and analysis
 681 are to be submitted to the Acquisition and Restoration Council
 682 and the managing agency. The Acquisition and Restoration
 683 Council shall review the monitoring report and the third party
 684 review and analysis and determine deficiencies that require a
 685 corrective action plan or revision to the land management plan.
 686 Such corrective actions or revision shall be brought in front of
 687 the board of trustees, which shall determine whether the
 688 corrective actions or revision sufficiently address the
 689 identified deficiencies. Corrective action plans shall be
 690 prepared and submitted in the same manner as land management
 691 plans.

692 (e) Land management plans are to be updated every 10 years
 693 on a rotating basis.

694 (f) In developing land management plans, at least two
 695 public hearings will be held.

696 ~~Each manager of conservation lands shall submit to the~~
 697 ~~Division of State Lands a land management plan at least every 10~~
 698 ~~years in a form and manner prescribed by rule by the board and~~
 699 ~~in accordance with the provisions of s. 259.032. Each manager of~~
 700 ~~conservation lands shall also update a land management plan~~

701 ~~whenever the manager proposes to add new facilities or make~~
 702 ~~substantive land use or management changes that were not~~
 703 ~~addressed in the approved plan, or within 1 year of the addition~~
 704 ~~of significant new lands. Each manager of nonconservation lands~~
 705 ~~shall submit to the Division of State Lands a land use plan at~~
 706 ~~least every 10 years in a form and manner prescribed by rule by~~
 707 ~~the board. The division shall review each plan for compliance~~
 708 ~~with the requirements of this subsection and the requirements of~~
 709 ~~the rules established by the board pursuant to this section. All~~
 710 ~~land use plans, whether for single-use or multiple-use~~
 711 ~~properties, shall include an analysis of the property to~~
 712 ~~determine if any significant natural or cultural resources are~~
 713 ~~located on the property. Such resources include archaeological~~
 714 ~~and historic sites, state and federally listed plant and animal~~
 715 ~~species, and imperiled natural communities and unique natural~~
 716 ~~features. If such resources occur on the property, the manager~~
 717 ~~shall consult with the Division of State Lands and other~~
 718 ~~appropriate agencies to develop management strategies to protect~~
 719 ~~such resources. Land use plans shall also provide for the~~
 720 ~~control of invasive nonnative plants and conservation of soil~~
 721 ~~and water resources, including a description of how the manager~~
 722 ~~plans to control and prevent soil erosion and soil or water~~
 723 ~~contamination. Land use plans submitted by a manager shall~~
 724 ~~include reference to appropriate statutory authority for such~~
 725 ~~use or uses and shall conform to the appropriate policies and~~
 726 ~~guidelines of the state land management plan. Plans for managed~~
 727 ~~areas larger than 1,000 acres shall contain an analysis of the~~
 728 ~~multiple-use potential of the property, which analysis shall~~

729 ~~include the potential of the property to generate revenues to~~
 730 ~~enhance the management of the property. Additionally, the plan~~
 731 ~~shall contain an analysis of the potential use of private land~~
 732 ~~managers to facilitate the restoration or management of these~~
 733 ~~lands. In those cases where a newly acquired property has a~~
 734 ~~valid conservation plan that was developed by a soil and~~
 735 ~~conservation district, such plan shall be used to guide~~
 736 ~~management of the property until a formal land use plan is~~
 737 ~~completed.~~

738 (g) ~~(a)~~ Each land manager ~~The Division of State Lands~~ shall
 739 make available to the public an electronic copy ~~a copy~~ of each
 740 land management plan ~~for parcels that exceed 160 acres in size.~~
 741 The council shall review each plan for compliance with the
 742 requirements of this subsection, the requirements of chapter
 743 259, ~~and the requirements of the rules established by the board~~
 744 ~~pursuant to this section.~~ The council shall also consider the
 745 propriety of the recommendations of the managing entity with
 746 regard to the future use of the property, the protection of
 747 fragile or nonrenewable resources, the potential for alternative
 748 or multiple uses not recognized by the managing entity, and the
 749 possibility of disposal of the property by the board. After its
 750 review, the council shall submit the plan, along with its
 751 recommendations and comments, to the board. The council shall
 752 specifically recommend to the board whether to approve the plan
 753 as submitted, ~~approve the plan with modifications,~~ or reject the
 754 plan.

755 (h) ~~(b)~~ The Board of Trustees of the Internal Improvement
 756 Trust Fund shall consider the land management plan submitted by

757 each entity and the recommendations of the council and the
 758 Division of State Lands and shall approve the plan ~~with or~~
 759 ~~without modification~~ or reject such plan. The use or possession
 760 of any such lands that is not in accordance with an approved
 761 land management plan is subject to termination by the board.

762 (6) The Board of Trustees of the Internal Improvement
 763 Trust Fund shall determine which lands, the title to which is
 764 vested in the board, may be surplus. For conservation lands,
 765 the board shall make a determination that the lands are no
 766 longer needed for conservation purposes and may dispose of them
 767 by an affirmative vote of at least three members. In the case of
 768 a land exchange involving the disposition of conservation lands,
 769 the board must determine by an affirmative vote of at least
 770 three members that the exchange will result in a net positive
 771 conservation benefit. For all other lands, the board shall make
 772 a determination that the lands are no longer needed and may
 773 dispose of them by an affirmative vote of at least three
 774 members.

775 (a) For the purposes of this subsection, all state owned
 776 lands managed by the Department of Agriculture and Consumer
 777 Services and the , and the Department of Environmental
 778 Protection, and all lands acquired by the state prior to July 1,
 779 1999, using proceeds from the Preservation 2000 bonds, the
 780 Conservation and Recreation Lands Trust Fund, the Water
 781 Management Lands Trust Fund, Environmentally Endangered Lands
 782 Program, and the Save Our Coast Program and titled to the board
 783 of trustees, which lands are identified as core parcels or

784 within original project boundaries, shall be deemed to have been
 785 acquired for conservation purposes.

786 (b) For any lands purchased by the state on or after July
 787 1, 1999, a determination shall be made by the board prior to
 788 acquisition as to those parcels that shall be designated as
 789 having been acquired for conservation purposes. No lands
 790 acquired for use by the Department of Corrections, the
 791 Department of Management Services for use as state offices, the
 792 Department of Transportation, except those specifically managed
 793 for conservation or recreation purposes, or the State University
 794 System or the Florida Community College System shall be
 795 designated as having been purchased for conservation purposes.

796 (c) At least every 10 years, ~~as a component of each land~~
 797 ~~management plan or land use plan~~ and in a form and manner
 798 prescribed by rule by the board, each manager shall evaluate and
 799 indicate to the board those lands that are not being used for
 800 the purpose for which they were originally leased. For
 801 conservation lands, the council shall review and shall recommend
 802 to the board whether such lands should be retained in public
 803 ownership or disposed of by the board. For nonconservation
 804 lands, the division shall review such lands and shall recommend
 805 to the board whether such lands should be retained in public
 806 ownership or disposed of by the board.

807 (d) Lands owned by the board which are not actively
 808 managed by any state agency or for which a land management plan
 809 has not been completed pursuant to subsection (5) shall be
 810 reviewed by the council or its successor for its recommendation

811 as to whether such lands should be managed by a private
 812 contractor, leased or disposed of by the board.

813 (e) Prior to any decision by the board to surplus lands,
 814 the Acquisition and Restoration Council shall review and make
 815 recommendations to the board concerning the request for
 816 surplusings. The council shall determine whether the request for
 817 surplusings is compatible with the resource values of land
 818 management objectives for such lands.

819 (f)1. In reviewing lands owned by the board, the council
 820 shall consider whether such lands would be more appropriately
 821 owned or managed by the county or other unit of local government
 822 in which the land is located. The council shall recommend to the
 823 board whether a sale, lease, or other conveyance to a local
 824 government would be in the best interests of the state and local
 825 government. The provisions of this paragraph in no way limit the
 826 provisions of ss. 253.111 and 253.115. Such lands shall be
 827 offered to the state, county, or local government for a period
 828 of 30 days. Permittable uses for such surplus lands may include
 829 public schools; public libraries; fire or law enforcement
 830 substations; governmental, judicial, or recreational centers;
 831 and affordable housing meeting the criteria of s. 420.0004(3).
 832 County or local government requests for surplus lands shall be
 833 expedited throughout the surplusings process. If the county or
 834 local government does not elect to purchase such lands in
 835 accordance with s. 253.111, then any surplusings determination
 836 involving other governmental agencies shall be made upon the
 837 board deciding the best public use of the lands. Surplus

838 properties in which governmental agencies have expressed no
 839 interest shall then be available for sale on the private market.

840 ~~2. Notwithstanding subparagraph 1., any parcel of surplus~~
 841 ~~lands less than 3 acres in size which was acquired by the state~~
 842 ~~before 1955 by gift or other conveyance or for \$1 consideration~~
 843 ~~from a fair association incorporated under chapter 616 for the~~
 844 ~~purpose of conducting and operating public fairs or expositions,~~
 845 ~~and concerning which the department has filed by July 1, 2008, a~~
 846 ~~notice of intent to dispose of as surplus lands, shall be~~
 847 ~~offered for reconveyance to such fair association for no~~
 848 ~~consideration; however, the agency that last held the lease from~~
 849 ~~the board for management of such lands may remove from the lands~~
 850 ~~any improvements, fixtures, goods, wares, and merchandise within~~
 851 ~~180 days after the effective date of the reconveyance. This~~
 852 ~~subparagraph expires July 1, 2008.~~

853 (g) The sale price of lands determined to be surplus
 854 pursuant to this subsection and s. 253.82 shall be determined by
 855 the division and shall take into consideration an appraisal of
 856 the property, or, when the estimated value of the land is less
 857 than \$100,000, a comparable sales analysis or a broker's opinion
 858 of value, and the price paid by the state to originally acquire
 859 the lands. In the event that a single appraisal yields a value
 860 equal to or greater than \$1 million, a second appraisal is
 861 required. The individual or entity requesting the surplus shall
 862 select and use appraisers from the list of approved appraisers
 863 maintained by the Division of State Lands in accordance with s.
 864 253.025(6)(b). The individual or entity requesting the surplus
 865 is to incur all costs of the second appraisal.

866 1.a. A written valuation of land determined to be surplus
 867 pursuant to this subsection and s. 253.82, and related documents
 868 used to form the valuation or which pertain to the valuation,
 869 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 870 I of the State Constitution until 2 weeks before the contract or
 871 agreement regarding the purchase, exchange, or disposal of the
 872 surplus land is first considered for approval by the board.
 873 Notwithstanding the exemption provided under this subparagraph,
 874 the division may disclose appraisals, valuations, or valuation
 875 information regarding surplus land during negotiations for the
 876 sale or exchange of the land, during the marketing effort or
 877 bidding process associated with the sale, disposal, or exchange
 878 of the land to facilitate closure of such effort or process,
 879 when the passage of time has made the conclusions of value
 880 invalid, or when negotiations or marketing efforts concerning
 881 the land are concluded.

882 b. This subparagraph is subject to the Open Government
 883 Sunset Review Act of 1995 in accordance with s. 119.15, and
 884 shall stand repealed on October 2, 2009, unless reviewed and
 885 saved from repeal through reenactment by the Legislature.

886 2. A unit of government that acquires title to lands
 887 hereunder for less than appraised value may not sell or transfer
 888 title to all or any portion of the lands to any private owner
 889 for a period of 10 years. Any unit of government seeking to
 890 transfer or sell lands pursuant to this paragraph shall first
 891 allow the board of trustees to reacquire such lands for the
 892 price at which the board sold such lands.

893 ~~(h) Where a unit of government acquired land by gift,~~
 894 ~~donation, grant, quitclaim deed, or other such conveyance where~~
 895 ~~no monetary consideration was exchanged, the price of land sold~~
 896 ~~as surplus may be based on one appraisal. In the event that a~~
 897 ~~single appraisal yields a value equal to or greater than \$1~~
 898 ~~million, a second appraisal is required. The individual or~~
 899 ~~entity requesting the surplus shall select and use appraisers~~
 900 ~~from the list of approved appraisers maintained by the Division~~
 901 ~~of State Lands in accordance with s. 253.025(6)(b). The~~
 902 ~~individual or entity requesting the surplus is to incur all~~
 903 ~~costs of the appraisals.~~

904 (h)~~(i)~~ After reviewing the recommendations of the council,
 905 the board shall determine whether lands identified for surplus
 906 are to be held for other public purposes or whether such lands
 907 are no longer needed. The board may require an agency to release
 908 its interest in such lands. For an agency that has requested the
 909 use of a property that was to be declared as surplus, said
 910 agency must have the property under lease within 6 months of the
 911 date of expiration of the notice provisions required under this
 912 subsection and s. 253.111.

913 (i)~~(j)~~ Requests for surplusizing may be made by any public
 914 or private entity or person. All requests shall be submitted to
 915 the lead managing agency for review and recommendation to the
 916 council or its successor. Lead managing agencies shall have 90
 917 days to review such requests and make recommendations. Any
 918 surplusizing requests that have not been acted upon within the 90-
 919 day time period shall be immediately scheduled for hearing at
 920 the next regularly scheduled meeting of the council or its

921 successor. Requests for surplusing pursuant to this paragraph
 922 shall not be required to be offered to local or state
 923 governments as provided in paragraph (f).

924 (j)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
 925 this subsection shall be deposited into the fund from which such
 926 lands were acquired. However, if the fund from which the lands
 927 were originally acquired no longer exists, such proceeds shall
 928 be deposited into an appropriate account to be used for land
 929 management ~~by the lead managing agency assigned the lands prior~~
 930 ~~to the lands being declared surplus.~~ Funds received from the
 931 sale of surplus nonconservation lands, or lands that were
 932 acquired by gift, by donation, or for no consideration, shall be
 933 deposited into the Internal Improvement Trust Fund.

934 (k)~~(l)~~ Notwithstanding the provisions of this subsection,
 935 no such disposition of land shall be made if such disposition
 936 would have the effect of causing all or any portion of the
 937 interest on any revenue bonds issued to lose the exclusion from
 938 gross income for federal income tax purposes.

939 (l)~~(m)~~ The sale of filled, formerly submerged land that
 940 does not exceed 5 acres in area is not subject to review by the
 941 council or its successor.

942 (m)~~(n)~~ The board may adopt rules to implement the
 943 provisions of this section, which may include procedures for
 944 administering surplus land requests and criteria for when the
 945 division may approve requests to surplus nonconservation lands
 946 on behalf of the board.

947 Section 8. Subsection (3) of section 253.111, Florida
 948 Statutes, is amended to read:

949 253.111 Notice to board of county commissioners before
 950 sale.--The Board of Trustees of the Internal Improvement Trust
 951 Fund of the state may not sell any land to which they hold title
 952 unless and until they afford an opportunity to the county in
 953 which such land is situated to receive such land on the
 954 following terms and conditions:

955 (3) If the board receives, within 45 ~~30~~ days after notice
 956 is given to the board of county commissioners pursuant to
 957 subsection (1), the certified copy of the resolution provided
 958 for in subsection (2), the board shall forthwith convey to the
 959 county such land at a price that is equal to its appraised
 960 market value established by generally accepted professional
 961 standards for real estate appraisal and subject to such other
 962 terms and conditions as the board determines.

963 Section 9. Paragraph (b) of subsection (2) of section
 964 253.82, Florida Statutes, is amended to read:

965 253.82 Title of state or private owners to Murphy Act
 966 lands.--

967 (2) (b) Land to which title is vested in the board of
 968 trustees by paragraph (a) shall be treated in the same manner as
 969 other nonsovereignty lands owned by the board. However, any
 970 parcel of land the title to which is vested in the Board of
 971 Trustees of the Internal Improvement Trust Fund pursuant to this
 972 section which is 10 acres or less in size and has a ~~an~~ appraised
 973 market value of \$250,000 or less is hereby declared surplus,
 974 except for lands determined to be needed for state use, and may
 975 be sold in any manner provided by law. ~~Only one appraisal shall~~
 976 ~~be required for a sale of such land.~~ All proceeds from the sale

977 of such land shall be deposited into the Internal Improvement
 978 Trust Fund. The Board of Trustees of the Internal Improvement
 979 Trust Fund is authorized to adopt rules to implement the
 980 provisions of this subsection.

981 Section 10. Section 259.032, Florida Statutes, is amended
 982 to read:

983 259.032 Conservation and Recreation Lands Trust Fund;
 984 purpose.--

985 (1) It is the policy of the state that the citizens of
 986 this state shall be assured public ownership of natural areas
 987 for purposes of maintaining this state's unique natural
 988 resources; protecting air, land, and water quality; promoting
 989 water resource development to meet the needs of natural systems
 990 and citizens of this state; ~~promoting restoration activities on~~
 991 restoring and managing public lands; and providing lands for
 992 recreation, including but not limited to, natural resource based
 993 recreation. In recognition of this policy, it is the intent of
 994 the Legislature to provide such public lands for the people
 995 residing in urban and metropolitan areas of the state, as well
 996 as those residing in less populated, rural areas. It is the
 997 further intent of the Legislature, with regard to the lands
 998 described in paragraph (3)(c), that a high priority be given to
 999 the acquisition, restoration, enhancement and management of such
 1000 lands in or near counties exhibiting the greatest concentration
 1001 of population and, with regard to the lands described in
 1002 subsection (3), that a high priority be given to acquiring lands
 1003 or rights or interests in lands which advance the goal and
 1004 objectives of Fish and Wildlife Commission approved management

1005 plans, or lands within any area designated as an area of
 1006 critical state concern under s. 380.05 which, in the judgment of
 1007 the advisory council established pursuant to s. 259.035, or its
 1008 successor, cannot be adequately protected by application of land
 1009 development regulations adopted pursuant to s. 380.05. Finally,
 1010 it is the Legislature's intent that lands acquired through this
 1011 program and any successor programs be managed in such a way as
 1012 to protect or restore their natural resource values, and provide
 1013 the greatest benefit, including public access, to the citizens
 1014 of this state.

1015 (2) (a) The Conservation and Recreation Lands Trust Fund
 1016 is established within the Department of Environmental
 1017 Protection. The fund shall be used as a nonlapsing, revolving
 1018 fund exclusively for the purposes of this section. The fund
 1019 shall be credited with proceeds from the following excise taxes:

1020 1. The excise taxes on documents as provided in s. 201.15;
 1021 and

1022 2. The excise tax on the severance of phosphate rock as
 1023 provided in s. 211.3103.

1024
 1025 The Department of Revenue shall credit to the fund each month
 1026 the proceeds from such taxes as provided in this paragraph.

1027 (b) There shall annually be transferred from the
 1028 Conservation and Recreation Lands Trust Fund to the Land
 1029 Acquisition Trust Fund that amount, not to exceed \$20 million
 1030 annually, as shall be necessary to pay the debt service on, or
 1031 fund debt service reserve funds, rebate obligations, or other
 1032 amounts with respect to bonds issued pursuant to s. 375.051 to

1033 acquire lands on the established priority list developed
 1034 pursuant to ss. 259.101(4) and 259.105; however, no moneys
 1035 transferred to the Land Acquisition Trust Fund pursuant to this
 1036 paragraph, or earnings thereon, shall be used or made available
 1037 to pay debt service on the Save Our Coast revenue bonds. Amounts
 1038 transferred annually from the Conservation and Recreation Lands
 1039 Trust Fund to the Land Acquisition Trust Fund pursuant to this
 1040 paragraph shall have the highest priority over other payments or
 1041 transfers from the Conservation and Recreation Lands Trust Fund,
 1042 and no other payments or transfers shall be made from the
 1043 Conservation and Recreation Lands Trust Fund until such
 1044 transfers to the Land Acquisition Trust Fund have been made.
 1045 Moneys in the Conservation and Recreation Lands Trust Fund also
 1046 shall be used to restore and manage lands and to pay for related
 1047 costs, activities, and functions pursuant to the provisions of
 1048 this section.

1049 (3) The Governor and Cabinet, sitting as the Board of
 1050 Trustees of the Internal Improvement Trust Fund, may allocate
 1051 moneys from the fund in any one year to acquire the fee or any
 1052 lesser interest in lands for the following public purposes:

1053 (a) To conserve and protect environmentally unique and
 1054 irreplaceable lands that contain native, relatively unaltered
 1055 flora and fauna representing a natural area unique to, or scarce
 1056 within, a region of this state or a larger geographic area;

1057 (b) To conserve and protect lands within designated areas
 1058 of critical state concern, if the proposed acquisition relates
 1059 to the natural resource protection purposes of the designation;

1060 (c) To conserve~~and~~, protect, manage or restore habitat
 1061 for native or imperiled species habitat or, or of concern by the
 1062 United States of State, endangered or threatened species,
 1063 ~~emphasizing long-term protection for~~ endangered or threatened
 1064 species designated G-1 or G-2 by the Florida Natural Areas
 1065 Inventory, and especially those areas that are special locations
 1066 for breeding and reproduction of such species;

1067 (d) To conserve, protect, manage, or restore important
 1068 ecosystems, landscapes, imperiled species habitat and forests,
 1069 if the protection and conservation of such lands is necessary to
 1070 enhance or protect significant surface water, groundwater,
 1071 coastal, recreational, timber, or fish or wildlife resources
 1072 which advance the goal and objectives of Fish and Wildlife
 1073 Commission approved management plans, or cannot otherwise be
 1074 accomplished through local and state regulatory programs;

1075 (e) To promote water resource development that benefits
 1076 natural systems and citizens of the state;

1077 (f) To facilitate the restoration and subsequent health
 1078 and vitality of the Florida Everglades;

1079 (g) To provide areas, including recreational trails, for
 1080 natural resource based recreation and other outdoor recreation
 1081 on any part of any site compatible with conservation purposes;

1082 (h) To preserve significant archaeological or historic
 1083 sites; or

1084 (i) To conserve urban open spaces suitable for greenways
 1085 or outdoor recreation which are compatible with conservation
 1086 purposes.

1087 (j) To preserve agricultural lands under threat of
 1088 conversion to development through less-than-fee acquisitions.
 1089
 1090 In order for the board of trustee to authorize the expenditure
 1091 of funds to acquire a fee simple or less-than-fee interest in
 1092 land pursuant to this section, the Acquisition and Restoration
 1093 Council, by July 1,2009, shall develop and adopt rules providing
 1094 specific acquisition criteria and numeric performance measures
 1095 needed to prioritize land acquisitions acquired for public
 1096 purpose. The rules shall be submitted to the board of trustees
 1097 for approval. Rules approved by the board of trustees shall be
 1098 submitted to the President of the Senate and the Speaker of the
 1099 House prior to interim committee meetings for the next
 1100 legislative session. The rules shall not become effective until
 1101 adoption by the legislature.

1102 ~~(4)–(a)~~ Lands acquired under this section shall be for use
 1103 as state-designated parks, recreation areas, preserves,
 1104 reserves, historic or archaeological sites, geologic or
 1105 botanical sites, recreational trails, forests, wilderness areas,
 1106 wildlife management areas, urban open space, or other state-
 1107 designated recreation or conservation lands; or they shall
 1108 qualify for such state designation and use if they are to be
 1109 managed by other governmental agencies or nonstate entities as
 1110 provided for in this section.

1111 ~~(b) In addition to the uses allowed in paragraph (a),~~
 1112 ~~moneys may be transferred from the Conservation and Recreation~~
 1113 ~~Lands Trust Fund to the Florida Forever Trust Fund or the Land~~
 1114 ~~Acquisition Trust Fund. This paragraph expires July 1, 2007.~~

1115 (5) The board of trustees may allocate, in any year, an
 1116 amount not to exceed 5 percent of the money credited to the fund
 1117 in that year, such allocation shall be used for the purposes of
 1118 253.0325(2) ~~the initiation and maintenance of a natural areas~~
 1119 ~~inventory to aid in the identification of areas to be acquired~~
 1120 ~~pursuant to this section.~~

1121 (6) Moneys in the fund not needed to meet obligations
 1122 incurred under this section shall be deposited with the Chief
 1123 Financial Officer to the credit of the fund and may be invested
 1124 in the manner provided by law. Interest received on such
 1125 investments shall be credited to the Conservation and Recreation
 1126 Lands Trust Fund.

1127 (7) The board of trustees may enter into any contract
 1128 necessary to accomplish the purposes of this section. The lead
 1129 land managing agencies designated by the board of trustees also
 1130 are directed by the Legislature, to the greatest extent
 1131 possible, to enter into contracts or interagency agreements with
 1132 other governmental entities, including local soil and water
 1133 conservation districts, or private land managers who have the
 1134 expertise to perform specific management activities ~~which a lead~~
 1135 ~~agency lacks, or~~ which would cost more to provide in-house. Such
 1136 activities shall include, but not be limited to, controlled
 1137 burning, road and ditch maintenance, mowing, and wildlife
 1138 assessments. The lead land managing agency shall contract with
 1139 the for those lands which contain imperiled species habitat.

1140 (8) Lands to be considered for purchase under this section
 1141 are subject to the selection procedures of s. 259.035 and
 1142 related rules and shall be acquired in accordance with

1143 acquisition procedures for state lands provided for in s.
 1144 259.041, except as otherwise provided by the Legislature. An
 1145 inholding or an addition to a project selected for purchase
 1146 pursuant to this chapter is not subject to the selection
 1147 procedures of s. 259.035 if the estimated value of such
 1148 inholding or addition does not exceed \$500,000. When at least 90
 1149 percent of the acreage of a project has been purchased pursuant
 1150 to this chapter, the project may be removed from the list and
 1151 the remaining acreage may continue to be purchased. Moneys from
 1152 the fund may be used for title work, appraisal fees,
 1153 environmental audits, and survey costs related to acquisition
 1154 expenses for lands to be acquired, donated, or exchanged which
 1155 qualify under the categories of this section, at the discretion
 1156 of the board. When the Legislature has authorized the Department
 1157 of Environmental Protection to condemn a specific parcel of land
 1158 and such parcel has already been approved for acquisition under
 1159 this section, the land may be acquired in accordance with the
 1160 provisions of chapter 73 or chapter 74, and the fund may be used
 1161 to pay the condemnation award and all costs, including a
 1162 reasonable attorney's fee, associated with condemnation.

1163 (9) All lands managed under this chapter and s. 253.034
 1164 shall be:

1165 (a) Managed in a manner that will provide the greatest
 1166 combination of benefits to the public~~-,~~ and to the resources~~-,~~
 1167 including imperiled species.

1168 (b) Managed for public ~~outdoor~~ recreation which is
 1169 compatible with the conservation and protection of public lands.
 1170 Such management may include, but not be limited to, the

1171 following public recreational uses: fishing, hunting, camping,
 1172 bicycling, hiking, nature study, swimming, boating, canoeing,
 1173 horseback riding, diving, model hobbyist activities, birding,
 1174 sailing, jogging, and other related outdoor activities
 1175 compatible with the purposes for which the lands were acquired.

1176 (c) Managed for the purposes for which the lands were
 1177 acquired, consistent with paragraph (11) (a) ~~-,~~ and where
 1178 imperiled species habitat exists, restored and managed to
 1179 advance the goals and objectives of Fish and Wildlife Commission
 1180 approved management plans.

1181 (d) Concurrent with its adoption of the annual
 1182 Conservation and Recreation Lands list of acquisition projects
 1183 pursuant to s. 259.035, the board of trustees shall adopt a
 1184 management prospectus for each project. The management
 1185 prospectus shall delineate:

- 1186 1. The management goals for the property;
- 1187 2. The conditions that will affect the intensity of
 1188 management;
- 1189 3. An estimate of the revenue-generating potential of the
 1190 property, if appropriate;
- 1191 4. A timetable for implementing the various stages of
 1192 management and for providing access to the public, if
 1193 applicable;
- 1194 5. A description of potential multiple-use activities as
 1195 described in this section and s. 253.034;
- 1196 6. Provisions for protecting existing infrastructure and
 1197 for ensuring the security of the project upon acquisition;

1198 7. The anticipated costs of restoration and management and
 1199 projected sources of revenue, including legislative
 1200 appropriations, to fund management needs; and

1201 8. Recommendations as to how many employees will be needed
 1202 to restore and manage the property, and recommendations as to
 1203 whether local governments, volunteer groups, the former
 1204 landowner, or other interested parties can be involved in the
 1205 restoration and management.

1206 The costs of infrastructure and management identified in the
 1207 management prospectus will be standardized and aggregated in a
 1208 manner sufficient to allow reporting to board of trustee and the
 1209 legislature.

1210 (e) Concurrent with the approval of the acquisition
 1211 contract pursuant to s. 259.041(3)(c) for any interest in lands
 1212 except those lands being acquired under the provisions of s.
 1213 259.1052, the board of trustees shall designate an agency or
 1214 agencies to restore and manage such lands. The board shall
 1215 evaluate and amend, as appropriate, the management policy
 1216 statement for the project as provided by s. 259.035, consistent
 1217 with the purposes for which the lands are acquired. For any fee
 1218 simple acquisition of a parcel which is or will be leased back
 1219 for agricultural purposes, or any acquisition of a less-than-fee
 1220 interest in land that is or will be used for agricultural
 1221 purposes, the Board of Trustees of the Internal Improvement
 1222 Trust Fund shall first consider having a soil and water
 1223 conservation district, created pursuant to chapter 582, manage
 1224 and monitor such interests.

1225 (f) State agencies designated to manage lands acquired
 1226 under this chapter except those lands acquired under s. 259.1052
 1227 may contract with the Fish and Wildlife Commission, local
 1228 governments, and soil and water conservation districts, and
 1229 private entities to assist in restoration and management
 1230 activities, ~~including the responsibility of being the lead land~~
 1231 ~~manager.~~ Such land management contracts may include a provision
 1232 for the transfer of management funding to the Fish and Wildlife
 1233 Commission, local government or soil and water conservation
 1234 district from the Conservation and Recreation Lands Trust Fund
 1235 in an amount adequate for the Fish and Wildlife Commission,
 1236 local government or soil and water conservation district to
 1237 perform its contractual land management responsibilities and
 1238 proportionate to its responsibilities, and which otherwise would
 1239 have been expended by the state agency to manage the property.

1240 (g) Immediately following the acquisition of any interest
 1241 in lands under this chapter, the Department of Environmental
 1242 Protection, acting on behalf of the board of trustees, may issue
 1243 to the lead managing entity an interim assignment letter to be
 1244 effective until the execution of a formal lease.

1245 (10) (a) State, regional, or local governmental agencies
 1246 or private entities designated to manage lands under this
 1247 section shall develop and adopt, with the approval of the board
 1248 of trustees, an individual land management plan for each project
 1249 designed to conserve, restore and protect such lands and their
 1250 associated natural resources. Private sector involvement in land
 1251 management plan development may be used to expedite the planning
 1252 process.

1253 (b) Individual land management plans required by s.
 1254 253.034(5), ~~for parcels over 160 acres,~~ shall be developed with
 1255 input from an advisory group. Members of this advisory group
 1256 shall include, at a minimum, representatives of the lead land
 1257 managing agency, comanaging entities, local private property
 1258 owners, the appropriate soil and water conservation district, a
 1259 local conservation organization, ~~and a local elected official,~~
 1260 and where the parcel contains imperiled species, the Fish and
 1261 Wildlife Commission. The advisory group shall conduct at least
 1262 two public hearings ~~one public hearing~~ within the county in
 1263 which the parcel or project is located. For those parcels or
 1264 projects that are within more than one county, at least one
 1265 additional areawide public hearing is required ~~shall be~~
 1266 ~~acceptable~~ and the lead managing agency shall invite a local
 1267 elected official from each county. The areawide public hearing
 1268 shall be held in the county in which the core parcels are
 1269 located. Notice of such public hearing shall be posted on the
 1270 parcel or project designated for management, advertised in a
 1271 paper of general circulation, and announced at a scheduled
 1272 meeting of the local governing body before the actual public
 1273 hearing. The management prospectus required pursuant to
 1274 paragraph (9) (d) shall be available to the public for a period
 1275 of 30 days prior each ~~to the~~ public hearing.

1276 (c) Once a plan is adopted, the managing agency or entity
 1277 shall update the plan at least every 10 years in a form and
 1278 manner prescribed by rule of the board of trustees. Such
 1279 updates, ~~for parcels over 160 acres,~~ shall be developed with
 1280 input from an advisory group. Such plans may include transfers

1281 of leasehold interests to appropriate conservation organizations
 1282 or governmental entities designated by the Land Acquisition and
 1283 Management Advisory Council or its successor, for uses
 1284 consistent with the purposes of the organizations and the
 1285 protection, preservation, conservation, restoration, and proper
 1286 management of the lands and their resources. Volunteer
 1287 management assistance is encouraged, including, but not limited
 1288 to, assistance by youths participating in programs sponsored by
 1289 state or local agencies, by volunteers sponsored by
 1290 environmental or civic organizations, and by individuals
 1291 participating in programs for committed delinquents and adults.

1292 (d)1. For each project for which lands are acquired after
 1293 July 1, 2008 ~~1995~~, an individual land management plan shall be
 1294 adopted and in place no later than 1 year after the essential
 1295 parcel or parcels identified in the priority list developed
 1296 pursuant to ss. 259.101(4) and 259.105 have been acquired. The
 1297 Department of Environmental Protection shall distribute only 75
 1298 percent of the acquisition funds to which a budget entity or
 1299 water management district would otherwise be entitled from the
 1300 Preservation 2000 Trust Fund to any budget entity or any water
 1301 management district that has more than one-third of its land
 1302 management plans overdue.

1303 2. The requirements of subparagraph 1. do not apply to the
 1304 individual management plan for the Babcock Crescent B Ranch
 1305 being acquired pursuant to s. 259.1052. The management plan for
 1306 the ranch shall be adopted and in place no later than 2 years
 1307 following the date of acquisition by the state.

1308 (e) Individual land management plans shall conform to the
 1309 requirements of s. 253.034(5) and the appropriate policies and
 1310 guidelines of the state land management plan and shall include,
 1311 but not be limited to:

1312 1. A statement of the purpose for which the lands were
 1313 acquired, the projected use or uses as defined in s. 253.034,
 1314 and the statutory authority for such use or uses.

1315 2. Key management activities necessary to achieve the
 1316 desired outcome, including but not limited to, providing public
 1317 access, preserving and protecting natural resources, and
 1318 restoring habitat, controlling the spread of nonnative plants
 1319 and animals, performing prescribed fire activities and other
 1320 appropriate resource management activities ~~preserve and protect~~
 1321 ~~natural resources and restore habitat, and for controlling the~~
 1322 ~~spread of nonnative plants and animals, and for prescribed fire~~
 1323 ~~and other appropriate resource management activities.~~

1324 3. A specific description of how the managing agency plans
 1325 to identify, locate, protect, and preserve, or otherwise use
 1326 fragile, nonrenewable natural and cultural resources.

1327 4. A priority schedule for conducting restoration and
 1328 management activities, based on the desired outcome of the land
 1329 management plan ~~purposes for which the lands were acquired.~~

1330 5. A cost estimate for conducting priority restoration and
 1331 management activities, to include recommendations for cost-
 1332 effective methods of accomplishing those activities, and for
 1333 projects that include imperiled species habitat, performance
 1334 measures and costs developed by or in coordination with the Fish
 1335 and Wildlife Commission to restore, enhance restock and manage

1336 such habitat and to advance the goal and objectives of Fish and
 1337 Wildlife Commission approved management plans.

1338 6. A cost estimate for conducting other management
 1339 activities which would enhance the natural resource value or
 1340 public recreation value for which the lands were acquired. The
 1341 cost estimate shall include recommendations for cost-effective
 1342 methods of accomplishing those activities.

1343 7. A determination of the public uses and public access
 1344 that are to be provided and would be consistent with the
 1345 purposes for which the lands were acquired.

1346 (f) The Division of State Lands shall submit a copy of
 1347 each individual land management plan for parcels ~~which exceed~~
 1348 ~~160 acres in size~~ to each member of the Acquisition and
 1349 Restoration Council Land Acquisition and Management Advisory
 1350 Council or its successor, which shall:

1351 1. Within 60 days after receiving a plan from the
 1352 division, review each plan for compliance with the requirements
 1353 of this subsection, 253.034(5), and with the requirements of the
 1354 rules established by the board pursuant to this subsection.

1355 2. Consider the propriety of the recommendations of the
 1356 managing agency with regard to the future use or protection of
 1357 the property.

1358 3. After its review, submit the plan, along with its
 1359 recommendations and comments, to the board of trustees, with
 1360 recommendations as to whether to approve the plan as submitted,
 1361 ~~approve the plan with modifications,~~ or reject the plan.

1362 (g) The board of trustees shall consider the individual
 1363 management plan submitted by each state agency and the

1364 recommendations of the Acquisition and Restoration Council ~~and~~
 1365 ~~Acquisition and Management Advisory Council, or its successor,~~
 1366 and the Division of State Lands and shall approve the plan ~~with~~
 1367 ~~or without modification~~ or reject such plan. The use or
 1368 possession of any lands owned by the board of trustees which is
 1369 not in accordance with an approved individual management plan is
 1370 subject to termination by the board of trustees.

1371
 1372 By July 1 of each year, each governmental agency and each
 1373 private entity designated to manage lands shall report to the
 1374 Secretary of Environmental Protection on the progress of
 1375 funding, staffing, and resource management of every project for
 1376 which the agency or entity is responsible.

1377 (11) (a) The Legislature recognizes that acquiring lands
 1378 pursuant to this chapter serves the public interest by
 1379 protecting land, air, and water resources which contribute to
 1380 the public health and welfare, providing areas for natural
 1381 resource based recreation, and ensuring the recovery and
 1382 survival of unique and irreplaceable plant and animal species,
 1383 including imperiled species. The Legislature intends for these
 1384 lands to be managed and maintained for the purposes for which
 1385 they were acquired and for the public to have access to and use
 1386 of these lands where it ~~is consistent with acquisition purposes~~
 1387 ~~and would not harm the resources the state is seeking to protect~~
 1388 and manage on the public's behalf.

1389 (b) An amount of not less than ~~up to~~ 1.5 percent of the
 1390 cumulative total of funds ever deposited into the Florida
 1391 Preservation 2000 Trust Fund and the Florida Forever Trust Fund

1392 shall be made available for the purposes of restoration,
 1393 management, maintenance, and capital improvements not eligible
 1394 for funding pursuant to s. 11(e), Art. VII of the State
 1395 Constitution, and for associated contractual services, for lands
 1396 acquired pursuant to this section, s. 259.101, s. 259.105, s.
 1397 259.1052, or previous programs for the acquisition of lands for
 1398 conservation and recreation, including state forests, to which
 1399 title is vested in the board of trustees and other conservation
 1400 and recreation lands managed by a state agency. Of this amount,
 1401 \$250,000 shall be transferred annually to the Plant Industry
 1402 Trust Fund within the Department of Agriculture and Consumer
 1403 Services for the purpose of implementing the Endangered or
 1404 Threatened Native Flora Conservation Grants Program pursuant to
 1405 s. 581.185(11). Each agency with management responsibilities
 1406 shall annually request from the Legislature funds sufficient to
 1407 fulfill such responsibilities to implement individual land
 1408 management plans. For the purposes of this paragraph, capital
 1409 improvements shall include, but need not be limited to,
 1410 perimeter fencing, signs, firelanes, access roads and trails,
 1411 and minimal public accommodations, such as primitive campsites,
 1412 garbage receptacles, and toilets, and habitat restoration and
 1413 management. Any equipment purchased with funds provided pursuant
 1414 to this paragraph may be used for appropriate land management
 1415 activities on state lands ~~the purposes described in this~~
 1416 ~~paragraph on any conservation and recreation lands managed by a~~
 1417 ~~state agency.~~

1418 (c) The Secretary of the Department of Environmental
 1419 Protection, the Executive Director of the , and the Commissioner

1420 of Agriculture shall prepare and deliver a report to the
 1421 President of the Senate and the Speaker of the House of
 1422 Representatives no later than December 31, 2008 that provides a
 1423 formula and the methodology used to develop the formula used to
 1424 allocate land management ~~In requesting~~ funds provided for in
 1425 paragraph (b) for long-term management of all acquisitions
 1426 pursuant to this chapter and for associated contractual
 1427 services. The methodology and formula shall recognize, but not
 1428 be limited to, the following: ~~the managing agencies shall~~
 1429 ~~recognize the following categories of land management needs:~~
 1430 1. The assignment of management intensity associated with
 1431 the natural community categories, groups and types provided in
 1432 s. 253.0325(2) and the related management activities to land
 1433 management goals provided in s. 253.034(5).
 1434 2. The assignment of management intensity associated with
 1435 public access, including but not limited to:
 1436 a. The acres of land which require minimal effort for
 1437 resource preservation, development, or restoration – these lands
 1438 generally are open to the public but offer no more than
 1439 minimally developed facilities;
 1440 b. The acres of land which require moderate effort for
 1441 resource preservation, development, or restoration – these lands
 1442 typically have a high degree of public use and offer highly
 1443 developed facilities;
 1444 c. The acres of land which require significant effort for
 1445 resource preservation, development, or restoration – these lands
 1446 generally are sites with historic significance or unique natural
 1447 features, and a very high degree of public use.

1448 3. The acres of land with a secondary manager contributing
 1449 to the over-all management effort.

1450 4. The anticipated revenues generated from management of
 1451 the lands.

1452 5. The impacts of, and needs created or addressed by,
 1453 multiple-use management strategies.

1454 6. The acres of land with infestations of non-native or
 1455 invasive plants, animals, or fish.

1456 ~~1. Lands which are low-need tracts, requiring basic~~
 1457 ~~resource management and protection, such as state reserves,~~
 1458 ~~state preserves, state forests, and wildlife management areas.~~
 1459 ~~These lands generally are open to the public but have no more~~
 1460 ~~than minimum facilities development.~~

1461 ~~2. Lands which are moderate-need tracts, requiring more~~
 1462 ~~than basic resource management and protection, such as state~~
 1463 ~~parks and state recreation areas. These lands generally have~~
 1464 ~~extra restoration or protection needs, higher concentrations of~~
 1465 ~~public use, or more highly developed facilities.~~

1466 ~~3. Lands which are high-need tracts, with identified needs~~
 1467 ~~requiring unique site-specific resource management and~~
 1468 ~~protection. These lands generally are sites with historic~~
 1469 ~~significance, unique natural features, or very high intensity~~
 1470 ~~public use, or sites that require extra funds to stabilize or~~
 1471 ~~protect resources, such as lands with heavy infestations of~~
 1472 ~~nonnative, invasive plants.~~

1473
 1474 In evaluating the management funding needs of lands based on the
 1475 above categories, the lead land managing agencies shall include

1476 in their considerations the impacts of, and needs created or
 1477 addressed by, multiple-use management strategies. Beginning
 1478 July 1, 2009, no funds provided in paragraph (b) shall be
 1479 allocated, distributed or expended until the allocation formula
 1480 for funding land management activities has be adopted by the
 1481 legislature. Upon adoption, the allocation formula will be used
 1482 in the allocation and distribution of funds provided in
 1483 paragraph (b).

1484 (d) All revenues generated through multiple-use management
 1485 or compatible secondary-use management shall be returned to the
 1486 lead agency responsible for such management and shall be used to
 1487 pay for management activities on all conservation, preservation,
 1488 and recreation lands under the agency's jurisdiction. In
 1489 addition, such revenues shall be segregated in an agency trust
 1490 fund and shall remain available to the agency in subsequent
 1491 fiscal years to support land management appropriations. For the
 1492 purposes of this paragraph, compatible secondary-use management
 1493 shall be those activities described in subsection (9) undertaken
 1494 on parcels designated as single use pursuant to s.
 1495 253.034(2)(b).

1496 (e) Up to one-fifth of the funds provided for in paragraph
 1497 (b) shall be reserved by the board of trustees for interim
 1498 restoration and management of acquisitions and for associated
 1499 contractual services, to ensure the restoration, conservation
 1500 and protection of natural resources on project sites and to
 1501 allow limited public recreational use of lands. Interim
 1502 management activities may include, but not be limited to,
 1503 resource assessments, control of invasive, nonnative species,

1504 habitat restoration, fencing, law enforcement, controlled
 1505 burning, and public access consistent with preliminary
 1506 determinations made pursuant to paragraph (9) (g). The board of
 1507 trustees shall make these interim funds available immediately
 1508 upon purchase.

1509 (f) The department shall set long-range and annual goals
 1510 for the control and removal of nonnative, invasive plant species
 1511 on public lands. Such goals shall differentiate between aquatic
 1512 plant species and upland plant species. In setting such goals,
 1513 the department may rank, in order of adverse impact, species
 1514 that impede or destroy the functioning of natural systems.
 1515 Notwithstanding paragraph (a), up to one-fourth of the funds
 1516 provided for in paragraph (b) may be used by the agencies
 1517 receiving those funds for control and removal of nonnative,
 1518 invasive species on public lands.

1519 (g) In addition to the purposes specified in paragraph
 1520 (b), funds from the 1.5 percent of the cumulative total of funds
 1521 ever deposited into the Florida Preservation 2000 Trust Fund and
 1522 the Florida Forever Trust Fund may be appropriated for the 2006-
 1523 2007 fiscal year for the construction of replacement museum
 1524 facilities. This paragraph expires July 1, 2007.

1525 (12) (a) Beginning July 1, 1999, the Legislature shall
 1526 make available sufficient funds annually from the Conservation
 1527 and Recreation Lands Trust Fund to the department for payment in
 1528 lieu of taxes to qualifying counties and local governments as
 1529 defined in paragraph (b) for all actual tax losses incurred as a
 1530 result of board of trustees acquisitions for state agencies
 1531 under the Florida Forever program or the Florida Preservation

1532 2000 program during any year. Reserved funds not used for
 1533 payments in lieu of taxes in any year shall revert to the fund
 1534 to be used for land management in accordance with the provisions
 1535 of this section.

1536 (b) Payment in lieu of taxes shall be available:

1537 1. To all counties that have a population of 150,000 or
 1538 fewer. Population levels shall be determined pursuant to s.
 1539 11.031.

1540 2. To all local governments located in eligible counties.

1541 3. To Glades County, where a privately owned and operated
 1542 prison leased to the state has recently been opened and where
 1543 privately owned and operated juvenile justice facilities leased
 1544 to the state have recently been constructed and opened, a
 1545 payment in lieu of taxes, in an amount that offsets the loss of
 1546 property tax revenue, which funds have already been appropriated
 1547 and allocated from the Department of Correction's budget for the
 1548 purpose of reimbursing amounts equal to lost ad valorem taxes.

1549 (c) If insufficient funds are available in any year to
 1550 make full payments to all qualifying counties and local
 1551 governments, such counties and local governments shall receive a
 1552 pro rata share of the moneys available.

1553 (d) The payment amount shall be based on the average
 1554 amount of actual taxes paid on the property for the 3 years
 1555 preceding acquisition. Applications for payment in lieu of taxes
 1556 shall be made no later than January 31 of the year following
 1557 acquisition. No payment in lieu of taxes shall be made for
 1558 properties which were exempt from ad valorem taxation for the
 1559 year immediately preceding acquisition.

1560 (e) If property which was subject to ad valorem taxation
 1561 was acquired by a tax-exempt entity for ultimate conveyance to
 1562 the state under this chapter, payment in lieu of taxes shall be
 1563 made for such property based upon the average amount of taxes
 1564 paid on the property for the 3 years prior to its being removed
 1565 from the tax rolls. The department shall certify to the
 1566 Department of Revenue those properties that may be eligible
 1567 under this provision. Once eligibility has been established:

1568 1. For a county or local government that has a population
 1569 of 150,000 or more residents, that county or local government
 1570 shall receive 10 consecutive annual payments for each tax loss.

1571 2. For a county or local government that has a population
 1572 less than 150,000 residents, that county or local government
 1573 shall continually receive annual payments for each tax loss,
 1574 until that county or local government has a population of
 1575 150,000 or more residents. However, that county or local
 1576 government shall receive a minimum of 10 consecutive annual
 1577 payments for each tax loss.

1578 3. No further eligibility determination shall be made
 1579 during that period.

1580 ~~, that county or local government shall receive 10 consecutive~~
 1581 ~~annual payments for each tax loss, and no further eligibility~~
 1582 ~~determination shall be made during that period.~~

1583 (f) Payment in lieu of taxes pursuant to this subsection
 1584 shall be made annually to qualifying counties and local
 1585 governments after certification by the Department of Revenue
 1586 that the amounts applied for are reasonably appropriate, based
 1587 on the amount of actual taxes paid on the eligible property.

1588 With the assistance of the local government requesting payment
 1589 in lieu of taxes, the state agency that acquired the land is
 1590 responsible for preparing and submitting application requests
 1591 for payment to the Department of Revenue for certification.

1592 (g) If the board of trustees conveys to a local government
 1593 title to any land owned by the board, any payments in lieu of
 1594 taxes on the land made to the local government shall be
 1595 discontinued as of the date of the conveyance.

1596

1597 For the purposes of this subsection, "local government" includes
 1598 municipalities, the county school board, mosquito control
 1599 districts, and any other local government entity which levies ad
 1600 valorem taxes, with the exception of a water management
 1601 district.

1602 (13) Moneys credited to the fund each year which are not
 1603 used for management, maintenance, or capital improvements
 1604 pursuant to subsection (11); for payment in lieu of taxes
 1605 pursuant to subsection (12); or for the purposes of subsection
 1606 (5), shall be available for the acquisition of land pursuant to
 1607 this section.

1608 (14) The board of trustees may adopt rules to further
 1609 define the categories of land for acquisition under this
 1610 chapter.

1611 (15) Within 90 days after receiving a certified letter
 1612 from the owner of a property on the Conservation and Recreation
 1613 Lands list or the priority list established pursuant to s.
 1614 259.105 objecting to the property being included in an
 1615 acquisition project, where such property is a project or part of

1616 a project which has not been listed for purchase in the current
 1617 year's land acquisition work plan, the board of trustees shall
 1618 delete the property from the list or from the boundary of an
 1619 acquisition project on the list.

1620 Section 11. Section 259.035, Florida Statutes, is amended
 1621 to read:

1622 259.035 Acquisition and Restoration Council.--

1623 (1) There is created the Acquisition and Restoration
 1624 Council.

1625 (a) The council shall be composed of nine voting members,
 1626 two ~~four~~ of whom shall be appointed by the Governor, one
 1627 appointed by the Commissioner of Agriculture, and one appointed
 1628 by the . These four appointees shall be from scientific
 1629 disciplines related to agriculture, land, water, or
 1630 environmental sciences. They shall serve 4-year terms, except
 1631 that, initially, to provide for staggered terms, two of the
 1632 appointees shall serve 2-year terms. All subsequent appointments
 1633 shall be for 4-year terms. No appointee shall serve more than 6
 1634 years. The Governor, Commissioner of Agriculture, or the may at
 1635 any time fill a vacancy for their respective appointment for the
 1636 unexpired term of a member appointed under this paragraph.

1637 (b) The five remaining appointees shall be composed of the
 1638 Secretary of Environmental Protection, the director of the
 1639 Division of Forestry of the Department of Agriculture and
 1640 Consumer Services, the executive director of the , the director
 1641 of the Division of Historical Resources of the Department of
 1642 State, and the secretary of the Department of Community Affairs,
 1643 or their respective designees.

1644 (c) The Governor shall appoint the chair of the council,
 1645 and a vice chair shall be elected from among the members.

1646 (d) The council shall hold periodic meetings at the
 1647 request of the chair.

1648 (e) The Department of Environmental Protection shall
 1649 provide primary staff support to the council and shall ensure
 1650 that council meetings are electronically recorded. Such
 1651 recording shall be preserved pursuant to chapters 119 and 257.

1652 (f) The board of trustees has authority to adopt rules
 1653 pursuant to ss. 120.536(1) and 120.54 to implement the
 1654 provisions of this section.

1655 (2) The four appointed members of the council ~~appointed by~~
 1656 ~~the Governor~~ shall receive ~~\$75 per day while engaged in the~~
 1657 ~~business of the council, as well as~~ reimbursement for expenses
 1658 and per diem for travel to attend council meetings ~~, including~~
 1659 ~~attendance at meetings~~, as allowed state officers and employees
 1660 while in the performance of their duties, pursuant to s.
 1661 112.061.

1662 (3) The council shall provide assistance to the board of
 1663 trustees in reviewing the recommendations and plans for state-
 1664 owned lands required under ss. 253.034 and 259.032. The council
 1665 shall, in reviewing such recommendations and plans, consider the
 1666 optimization of multiple-use and conservation strategies to
 1667 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
 1668 and 259.105(3)(b).

1669 (4) The council may use existing rules adopted by the
 1670 board of trustees, until it develops and recommends amendments
 1671 to those rules, to competitively evaluate, select, and rank

1672 projects eligible for the Conservation and Recreation Lands list
 1673 pursuant to ss. 259.032(3) and 259.101(4) and, beginning no
 1674 later than May 1, 2001, for Florida Forever funds pursuant to s.
 1675 259.105(3)(b). In developing or amending the rules, the council
 1676 shall give weight to the criteria included in s. 259.105(10).
 1677 The board of trustees shall review the recommendations and shall
 1678 adopt rules necessary to administer this section.

1679 (5) An affirmative vote of five members of the council is
 1680 required in order to change a project boundary or to place a
 1681 proposed project on a list developed pursuant to subsection (4).
 1682 Any member of the council who by family or a business
 1683 relationship has a connection with all or a portion of any
 1684 proposed project shall declare the interest before voting on its
 1685 inclusion on a list.

1686 (6) The proposal for a project pursuant to this section or
 1687 s. 259.105(3)(b) may be implemented only if adopted by the
 1688 council and approved by the board of trustees. The council shall
 1689 consider and evaluate in writing the merits and demerits of each
 1690 project that is proposed for Conservation and Recreation Lands,
 1691 Florida Preservation 2000, or Florida Forever funding and shall
 1692 ensure that each proposed project will meet a stated public
 1693 purpose for the restoration, conservation, or preservation of
 1694 environmentally sensitive lands and water areas or for providing
 1695 ~~outdoor~~ recreational opportunities. The council also shall
 1696 determine whether the project conforms, where applicable, with
 1697 the comprehensive plan developed pursuant to s. 259.04(1)(a),
 1698 the comprehensive multipurpose outdoor recreation plan developed
 1699 pursuant to s. 375.021, the state lands management plan adopted

1700 pursuant to s. 253.03(7), the water resources work plans
 1701 developed pursuant to s. 373.199, and the provisions of s.
 1702 259.032, s. 259.101, or s. 259.105, whichever is applicable.

1703 Section 12. Section 259.036, Florida Statutes, is amended
 1704 to read:

1705 259.036 Management review teams.--

1706 (1) To determine whether conservation, preservation, and
 1707 recreation lands titled in the name of the Board of Trustees of
 1708 the Internal Improvement Trust Fund are being managed for the
 1709 purposes for which they were acquired, and in accordance with a
 1710 land management plan adopted pursuant to s. 259.032, and
 1711 achieving the goals of the land management plans provided in s.
 1712 353.034(5), the board of trustees, acting through the Department
 1713 of Environmental Protection, shall cause periodic management
 1714 reviews to be conducted as follows:

1715 (a) The department shall establish a regional land
 1716 management review team composed of the following members:

1717 1. One individual who is from the county or local
 1718 community in which the parcel or project is located and who is
 1719 selected by the county commission in the county which is most
 1720 impacted by the acquisition.

1721 2. One individual from the Division of Recreation and
 1722 Parks of the department or one individual from the department's
 1723 district office in which the parcel is located.

1724 3. One individual from the Division of Forestry of the
 1725 Department of Agriculture and Consumer Services.

1726 4. One individual from the .

1727 5. ~~One individual from the department's district office in~~
 1728 ~~which the parcel is located.~~

1729 6. A private land manager selected by the Department of
 1730 Agriculture and Consumer Services ~~mutually agreeable to the~~
 1731 ~~state agency representatives.~~

1732 7. A member of the local soil and water conservation
 1733 district board of supervisors.

1734 8. A member of a conservation organization.

1735 9. A private land manager selected by the .

1736 (b) The staff of the Division of State Lands shall act as
 1737 the review team coordinator for the purposes of establishing
 1738 schedules for the reviews and other staff functions. The
 1739 Legislature shall appropriate funds necessary to implement land
 1740 management review team functions.

1741 (2) The land management review team shall review select
 1742 management areas prior to the date the manager is required to
 1743 submit a 10-year land management plan update. For management
 1744 areas that exceed 1,000 acres in size, the Division of State
 1745 Lands shall schedule a land management review at least every 5
 1746 years. A copy of the review shall be provided to the manager,
 1747 the Division of State Lands, and the Acquisition and Restoration
 1748 Council. The manager shall consider the findings and
 1749 recommendations of the land management review team in finalizing
 1750 the required 10-year update of its management plan.

1751 (3) In conducting a review, the land management review
 1752 team shall evaluate the extent to which the existing management
 1753 plan provides sufficient protection to threatened or endangered
 1754 species, unique or important natural or physical features,

1755 geological or hydrological functions, or archaeological
 1756 features. The review shall also evaluate the extent to which the
 1757 land is being managed for the purposes for which it was acquired
 1758 and the degree to which actual management practices, including
 1759 public access, are in compliance with the adopted management
 1760 plan.

1761 (4) In the event a land management plan has not been
 1762 adopted within the timeframes specified in s. 259.032(10), the
 1763 department may direct a management review of the property, to be
 1764 conducted by the land management review team. The review shall
 1765 consider the extent to which the land is being managed for the
 1766 purposes for which it was acquired and the degree to which
 1767 actual management practices are in compliance with the
 1768 management policy statement and management prospectus for that
 1769 property.

1770 (5) If the land management review team determines that
 1771 reviewed lands are not being managed for the purposes for which
 1772 they were acquired or in compliance with the adopted land
 1773 management plan, management policy statement, or management
 1774 prospectus, or if the managing agency fails to address the
 1775 review findings in the updated management plan, the department
 1776 shall provide the review findings to the board, and the managing
 1777 agency must report to the board its reasons for managing the
 1778 lands as it has.

1779 (6) No later than the second board meeting in October of
 1780 each year, the department shall report the annual review
 1781 findings of its land management review team.

1782 Section 13. Section 259.037, Florida Statutes, is amended
 1783 to read.

1784 259.037 Land Management Uniform Accounting Council.--

1785 (1) The Land Management Uniform Accounting Council is
 1786 created within the Department of Environmental Protection and
 1787 shall consist of the director of the Division of State Lands,
 1788 the director of the Division of Recreation and Parks, the
 1789 director of the Office of Coastal and Aquatic Managed Areas, and
 1790 the director of the Office of Greenways and Trails of the
 1791 Department of Environmental Protection; the director of the
 1792 Division of Forestry of the Department of Agriculture and
 1793 Consumer Services; the executive director of the ; and the
 1794 director of the Division of Historical Resources of the
 1795 Department of State, or their respective designees. Each state
 1796 agency represented on the council shall have one vote. The chair
 1797 of the council shall rotate annually in the foregoing order of
 1798 state agencies. The agency of the representative serving as
 1799 chair of the council shall provide staff support for the
 1800 council. The Division of State Lands shall serve as the
 1801 recipient of and repository for the council's documents. The
 1802 council shall meet at the request of the chair.

1803 (2) The Auditor General and the director of the Office of
 1804 Program Policy Analysis and Government Accountability, or their
 1805 designees, shall advise the council to ensure that appropriate
 1806 accounting procedures are utilized and that a uniform method of
 1807 collecting and reporting accurate costs of land management
 1808 activities are created and can be used by all agencies.

1809 (3) (a) All land management activities and costs must be
 1810 assigned to a specific category, and any single activity or cost
 1811 may not be assigned to more than one category. Administrative
 1812 costs, such as planning or training, shall be segregated from
 1813 other management activities. Specific management activities and
 1814 costs must initially be grouped, at a minimum, within the
 1815 following categories:

- 1816 1. ~~(a)~~ Resource management.
- 1817 2. ~~(b)~~ Administration.
- 1818 3. ~~(c)~~ New facility construction.
- 1819 4. ~~(d)~~ Facility maintenance.

1820
 1821 Upon adoption of the initial list of land management categories
 1822 by the council, agencies assigned to manage conservation or
 1823 recreation lands shall, on July 1, 2000, begin to account for
 1824 land management costs in accordance with the category to which
 1825 an expenditure is assigned.

1826 (b) Each reporting agency shall also:

1827 a. Include a report of the available public use options
 1828 for each tract of state land and the total management cost for
 1829 public access and public use and the cost associated with each
 1830 use option.

1831 b. List the acres of land requiring minimal management
 1832 effort, moderate management effort, and significant management
 1833 effort. For each category they shall include the amount of funds
 1834 requested, the amount of funds received, and the amount of funds
 1835 expended for land management. The report shall also include a

1836 description of planned management activities and accomplished
 1837 land management activities.

1838 c. List acres managed and cost of management for each
 1839 tract by natural community delineation, based on the natural
 1840 community category, the natural community group, and the natural
 1841 community type pursuant to s. 253.0325(2).

1842 d. List acres managed, cost of management, and lead
 1843 manager for state lands tracts for which secondary management
 1844 activities were provided.

1845 (4) The council shall report agencies' expenditures
 1846 pursuant to the adopted categories to the President of the
 1847 Senate and the Speaker of the House of Representatives annually,
 1848 beginning July 1, 2001. The council shall also provide this
 1849 report to the Acquisition and Restoration Council for inclusion
 1850 in its annual report required pursuant to s. 259.105.

1851 (5) Should the council determine that the list of land
 1852 management categories needs to be revised, it shall meet upon
 1853 the call of the chair.

1854 Section 14. Subsections (1), (2), (3) and (7) of section
 1855 259.041, Florida Statutes, are amended to read:

1856 (1) Neither the Board of Trustees of the Internal
 1857 Improvement Trust Fund nor its duly authorized agent shall
 1858 commit the state, through any instrument of negotiated contract
 1859 or agreement for purchase, to the purchase of lands with or
 1860 without appurtenances unless the provisions of this section have
 1861 been fully complied with. Except for the requirements of
 1862 subsections (3), (7), (14), and (15), the board of trustees may
 1863 waive any requirements of this section, may waive any rules

1864 adopted pursuant to this section, notwithstanding chapter 120,
 1865 or may substitute other reasonably prudent procedures, provided
 1866 the public's interest is reasonably protected. The title to
 1867 lands acquired pursuant to this section shall vest in the board
 1868 of trustees as provided in s. 253.03(1), unless otherwise
 1869 provided by law, and all such titled lands shall be administered
 1870 pursuant to the provisions of s. 253.03.

1871 (2) The board of trustees has authority to adopt rules
 1872 pursuant to ss. 120.536(1) and 120.54 to implement the
 1873 provisions of this section, including rules governing the terms
 1874 and conditions of land purchases. Such rules shall address with
 1875 specificity, but not be limited to:

1876 (a) The procedures to be followed in the acquisition
 1877 process, including selection of appraisers, surveyors, title
 1878 agents and closing agents, and the content of appraisal reports.

1879 (b) The determination of the value of parcels which the
 1880 state has an interest to acquire.

1881 (c) Special requirements when multiple landowners are
 1882 involved in an acquisition.

1883 (d) Requirements for obtaining written option agreements
 1884 so that the interests of the state are fully protected.

1885 (e) Special requirements when multiple purchasers are
 1886 involved in an acquisition.

1887 (3) No agreement to acquire real property for the purposes
 1888 described in this chapter, chapter 260, or chapter 375, title to
 1889 which will vest in the board of trustees, may bind the state
 1890 unless and until the agreement has been reviewed and approved by
 1891 the Department of Environmental Protection as complying with the

1892 requirements of this section and any rules adopted pursuant to
 1893 this section. When the state is a party to a joint acquisition
 1894 in which another entity is contributing to the agreed contract
 1895 price, the state contribution shall not exceed the difference
 1896 between the appraised value, as determined by the state, and the
 1897 sum of the contributions of the other parties. Where any of the
 1898 following conditions exist, the agreement shall be submitted to
 1899 and approved by the board of trustees:

1900 (a) The purchase price agreed to by the seller exceeds the
 1901 value as established pursuant to the rules of the board of
 1902 trustees;

1903 (b) The contract price agreed to by the seller and
 1904 acquiring agency exceeds \$1 million;

1905 (c) The acquisition is the initial purchase in a project;
 1906 or

1907 (d) Other conditions that the board of trustees may adopt
 1908 by rule. Such conditions may include, but not be limited to,
 1909 projects where title to the property being acquired is
 1910 considered nonmarketable or is encumbered in such a way as to
 1911 significantly affect its management.

1912
 1913 Where approval of the board of trustees is required pursuant to
 1914 this subsection, the acquiring agency must provide a
 1915 justification as to why it is in the public's interest to
 1916 acquire the parcel or project. Approval of the board of trustees
 1917 also is required for projects the department recommends
 1918 acquiring pursuant to subsections (14) and (15). Review and
 1919 approval of agreements for acquisitions for Florida Greenways

1920 and Trails Program properties pursuant to chapter 260 may be
 1921 waived by the department in any contract with nonprofit
 1922 corporations that have agreed to assist the department with this
 1923 program. Where the contribution of the acquiring agency exceeds
 1924 \$100 million, the agreement shall be submitted to and approved
 1925 by the Legislative Budget Commission.

1926 (7) Prior to approval by the board of trustees or, when
 1927 applicable, the Department of Environmental Protection, of any
 1928 agreement to purchase land pursuant to this chapter, chapter
 1929 260, or chapter 375, and prior to negotiations with the parcel
 1930 owner to purchase any other land, title to which will vest in
 1931 the board of trustees, an appraisal of the parcel shall be
 1932 required as follows:(a) The board of trustees shall adopt by
 1933 rule the method for determining the value of parcels sought to
 1934 be acquired by state agencies pursuant to this section.

1935 (b) Each parcel to be acquired shall have at least one
 1936 appraisal. Two appraisals are required when the estimated value
 1937 of the parcel exceeds \$500,000. When two appraisals are
 1938 required, one appraiser shall be selected by the Department of
 1939 Agriculture and Consumer Services. When ~~However, when~~ both
 1940 appraisals exceed \$500,000 and differ significantly, a third
 1941 appraisal shall ~~may~~ be obtained , with the Department of
 1942 Financial Services selecting the third appraiser. Two appraisals
 1943 shall be considered to differ significantly if the higher of the
 1944 two values exceeds 120% of the lower value. When the estimated
 1945 value of the parcel exceeds \$500,000, the review appraiser shall
 1946 be selected by the Department of Financial Services. To provide
 1947 for payment by the agency selecting the second and third

1948 appraiser and review appraiser, as required by this section, the
 1949 Department of Environmental Protection shall enter into
 1950 interagency agreements with the Department of Agriculture and
 1951 Consumer Services and Department of the Financial Services,
 1952 whereby funds will be transferred to those agencies for that
 1953 purpose upon direction of the selecting agency. When a parcel is
 1954 estimated to be worth \$100,000 or less and the director of the
 1955 Division of State Lands finds that the cost of obtaining an
 1956 outside appraisal is not justified, an appraisal prepared by the
 1957 division may be used. The state is not required to appraise the
 1958 value of lands and appurtenances that are being donated to the
 1959 state.

1960 (c) Appraisal fees and associated costs shall be paid by
 1961 the agency proposing the acquisition. The board of trustees
 1962 shall approve qualified fee appraisal organizations. All
 1963 appraisals used for the acquisition of lands pursuant to this
 1964 section shall be prepared by a member of an approved appraisal
 1965 organization or by a state-certified appraiser who meets the
 1966 standards and criteria established in rule by the board of
 1967 trustees. Each fee appraiser selected to appraise a particular
 1968 parcel shall, prior to contracting with the agency or a
 1969 participant in a multiparty agreement, submit to that agency or
 1970 participant an affidavit substantiating that he or she has no
 1971 vested or fiduciary interest in such parcel.

1972 (d) The fee appraiser and the review appraiser ~~for the~~
 1973 ~~agency~~ shall not act in any way that may be construed as
 1974 negotiating with the property owner.

1975 (e) Generally, appraisal reports are confidential and
 1976 exempt from the provisions of s. 119.07(1), for use by the
 1977 agency and the board of trustees, until an option contract is
 1978 executed or, if no option contract is executed, until 2 weeks
 1979 before a contract or agreement for purchase is considered for
 1980 approval by the board of trustees. However, the department has
 1981 the authority, at its discretion, to disclose appraisal reports
 1982 to private landowners during negotiations for acquisitions using
 1983 alternatives to fee simple techniques, if the department
 1984 determines that disclosure of such reports will bring the
 1985 proposed acquisition to closure. The Division of State Lands may
 1986 also disclose appraisal information to public agencies or
 1987 nonprofit organizations that agree to maintain the
 1988 confidentiality of the reports or information when joint
 1989 acquisition of property is contemplated, or when a public agency
 1990 or nonprofit organization enters into a written multiparty
 1991 agreement with the division to purchase and hold property for
 1992 subsequent resale to the division. In addition, the division may
 1993 use, as its own, appraisals obtained by a public agency or
 1994 nonprofit organization, provided the appraiser is selected from
 1995 the division's list of appraisers and the appraisal is reviewed
 1996 and approved by the division. For the purposes of this chapter,
 1997 "nonprofit organization" means an organization whose purposes
 1998 include the preservation of natural resources, and which is
 1999 exempt from federal income tax under s. 501(c)(3) of the
 2000 Internal Revenue Code. The agency may release an appraisal
 2001 report when the passage of time has rendered the conclusions of

2002 value in the report invalid or when the acquiring agency has
 2003 terminated negotiations.

2004 (f) The Division of State Lands may use, as its own,
 2005 appraisals obtained by a public agency or nonprofit
 2006 organization, provided that the appraiser is selected from the
 2007 division's list of appraisers and the appraisal is reviewed and
 2008 approved by the division. For the purposes of this chapter, the
 2009 term "nonprofit organization" means an organization whose
 2010 purposes include the preservation of natural resources and which
 2011 is exempt from federal income tax under s. 501(c)(3) of the
 2012 Internal Revenue Code.

2013
 2014 Notwithstanding the provisions of this subsection, on behalf of
 2015 the board and before the appraisal of parcels approved for
 2016 purchase under this chapter, the Secretary of Environmental
 2017 Protection or the director of the Division of State Lands may
 2018 enter into option contracts to buy such parcels. Any such option
 2019 contract shall state that the final purchase price is subject to
 2020 approval by the board or, when applicable, the secretary and
 2021 that the final purchase price may not exceed the maximum offer
 2022 allowed by law. Any such option contract shall not be presented
 2023 to the board for final purchase price approval without prior
 2024 appropriation from the Legislature. The consideration for such
 2025 an option may not exceed \$1,000 or 0.01 percent of the estimate
 2026 by the department of the value of the parcel, whichever amount
 2027 is greater.

2028 Section 15. Section 259.105, Florida Statutes, is amended
 2029 to read:

2030 259.105 The Florida Forever Act.--

2031 (1) This section may be cited as the "Florida Forever

2032 Act."

2033 (2) (a) The Legislature finds and declares that:

2034 1. The land acquisition programs have ~~Preservation 2000~~

2035 ~~program~~ provided tremendous financial resources for purchasing

2036 environmentally significant lands to protect those lands from

2037 imminent development or further alteration, thereby assuring

2038 present and future generations access to important waterways,

2039 open spaces and recreation and conservation lands.

2040 2. The continued alteration and development of Florida's

2041 natural areas to accommodate the state's rapidly growing

2042 population have contributed to the degradation of water

2043 resources, the fragmentation and destruction of wildlife

2044 habitats including habitat necessary to support, recover and

2045 sustain imperiled species, the loss of outdoor recreation space,

2046 and the diminishment of wetlands, forests, agriculture, working

2047 water fronts, coastal open space and public beaches.

2048 3. The potential development of Florida's remaining

2049 natural areas and escalation of land values require a

2050 continuation of government efforts to restore, enhance and

2051 manage, bring under public protection the state's essential

2052 ecological functions, or acquire lands and water areas to

2053 preserve the state's invaluable quality of life.

2054 4. It is essential to protect the state's ecosystems by

2055 promoting a more efficient use of land, ensuring opportunities

2056 for viable agricultural activities on working lands, and to

2057 promote vital rural and urban communities which support and

2058 produce development patterns consistent with natural resource
 2059 protection.

2060 5. ~~4.~~ Florida's groundwater, surface waters, and springs
 2061 are under tremendous pressure due to population growth and
 2062 economic expansion and require special protection and
 2063 restoration efforts, including the protection of upland aquifer
 2064 recharge system and springsheds. To ensure that sufficient
 2065 quantities of water are available to meet the current and future
 2066 needs of the natural systems, including springs and springsheds
 2067 that provide vital recharge to aquifer systems, and citizens of
 2068 the state, and assist in achieving the planning goals of the
 2069 department and the water management districts, water resource
 2070 development projects, and alternative water supplies as defined
 2071 in s.373.109 on public lands, where compatible with the resource
 2072 values of and management objectives for the lands, are
 2073 appropriate.

2074 6. ~~5.~~ The needs of urban, suburban and small communities
 2075 in Florida for high-quality outdoor recreational opportunities,
 2076 greenways, trails, and open space have not been fully met by
 2077 previous acquisition programs. Through such programs as the
 2078 Florida Communities Trust and the Florida Recreation Development
 2079 Assistance Program, the state shall place additional emphasis on
 2080 acquiring, protecting, preserving, and restoring open space,
 2081 ecological greenways, and recreation properties within urban
 2082 areas where pristine natural communities or water bodies no
 2083 longer exist because of the proximity of developed property.

2084 7. ~~6.~~ Many of Florida's unique ecosystems, such as the
 2085 Florida Everglades, are facing ecological collapse due to

2086 Florida's burgeoning population growth and other economic
 2087 activities. To preserve, restore, enhance, and manage these
 2088 valuable ecosystems for future generations and as habitat for
 2089 Florida's imperiled species, essential parcels of land must be
 2090 acquired, restored, enhanced, and managed in the long term to
 2091 facilitate ecosystem restoration.

2092 8. 7. Access to public lands to support a broad range of
 2093 recreation, including but not limited to, outdoor recreational
 2094 opportunities and the development of necessary infrastructure,
 2095 where compatible with the resource values of and management
 2096 objectives for such lands, promotes an appreciation for
 2097 Florida's natural assets and improves the quality of life.

2098 9. 8. Acquisition of lands, in fee simple or less-than-fee
 2099 ~~in any lesser~~ interest, should be based on a comprehensive
 2100 science based assessment of Florida's natural resources,
 2101 including imperiled species habitat, developed pursuant to s.
 2102 259.032(3) that targets essential conservation lands by
 2103 prioritizing all current and future acquisitions based on a
 2104 uniform set of data and planned so as to protect, restore,
 2105 enhance, and manage the integrity and function of ecological
 2106 systems and working landscapes, including agriculture, and
 2107 provide multiple benefits, including preservation, enhancement,
 2108 restoration and management of fish and wildlife habitat,
 2109 recreation space for urban and ~~as well as~~ rural areas, and water
 2110 recharge, flow and storage.

2111 10. The Legislature recognizes that the state must play a
 2112 major role in the recovery and management of its imperiled
 2113 species through the acquisition, restoration, enhancement and

2114 management of ecosystems to support the major life functions of
 2115 imperiled species. It is the intent of the Legislature to
 2116 support local, state and federal programs that provide private
 2117 land owners meaningful incentives to restore and manage such
 2118 habitat on private lands. It is further the intent of the
 2119 Legislature that public lands, both existing and to be acquired
 2120 in any fashion, be restored, enhanced and managed as habitat for
 2121 imperiled species as recommended by the Florida without
 2122 unnecessarily restricting the use of such land for recreational
 2123 and water supply uses.

2124 11. 9. The state has embraced performance-based program
 2125 budgeting as a tool to evaluate the achievements of publicly
 2126 funded agencies, build in accountability, and reward those
 2127 agencies which are able to consistently achieve quantifiable
 2128 goals. While previous and existing state environmental programs
 2129 have achieved varying degrees of success, few of these programs
 2130 can be evaluated as to the extent of their achievements,
 2131 primarily because performance measures, standards, outcomes, and
 2132 goals were not established at the outset. Therefore, the Florida
 2133 Forever program shall be developed and implemented in the
 2134 context of measurable state goals and objectives, which shall
 2135 include restoration, enhancement and management of imperiled
 2136 species habitat.

2137 12. 10. It is the intent of the Legislature to change the
 2138 focus and direction of the state's major land acquisition
 2139 programs and to extend funding and bonding capabilities, so that
 2140 future generations may enjoy the natural resources of Florida,
 2141 and:

2142 i. the state fulfills its role in the recovery and
 2143 management of Florida's imperiled species;
 2144 ii. provides ample access to Florida waterways and;
 2145 iii. enhances adequate water supply to meet the needs of
 2146 natural systems as well as Florida citizens"

2147 (b) The Legislature recognizes that acquisition is only
 2148 one way to achieve the aforementioned goals and encourages the
 2149 development of creative partnerships between governmental
 2150 agencies and private landowners. ~~Land~~Such partnerships shall
 2151 include the use of environmental mitigation or conservation
 2152 measures, including funds and the relocation of imperiled
 2153 species, from public or private projects as a means to restore,
 2154 enhance, restock and manage publicly-owned lands as a natural
 2155 resource, including as habitat for imperiled species. In
 2156 addition, land protection agreements, rural land stewardship
 2157 agreements, sector planning, mitigation, and similar tools
 2158 should be used, where appropriate, to bring environmentally
 2159 sensitive tracts under an acceptable level of protection at a
 2160 lower financial cost to the public, and to provide private
 2161 landowners with the opportunity to enjoy and benefit from their
 2162 property.

2163 (c) Public agencies or other entities that receive funds
 2164 under this section shall ~~are encouraged to better~~ coordinate
 2165 their expenditures with the so that project acquisitions, when
 2166 combined with acquisitions under Florida Forever, Preservation
 2167 2000, Save Our Rivers, the Florida Communities Trust, imperiled
 2168 species management plans and programs, and other public land
 2169 acquisition programs, will form more complete patterns of

2170 protection for and management of natural areas, habitat for
 2171 Florida's wildlife including imperiled species, ecological
 2172 greenways, and functioning ecosystems, to better accomplish the
 2173 intent of this section.

2174 (d) A long-term financial commitment to restoring,
 2175 enhancing and managing Florida's public lands, including the
 2176 restoration, enhancement, restocking and management of public
 2177 lands for the recovery and management of imperiled species,
 2178 where appropriate, must accompany any ~~new~~ land acquisition
 2179 program to ensure that the natural resource values of such lands
 2180 are restored, enhanced, managed, and protected, that the public
 2181 has the opportunity to enjoy the lands to their fullest
 2182 potential, and that the state achieves the full benefits of its
 2183 investment of public dollars. Innovative strategies such as
 2184 public-private partnerships and inter-agency planning and
 2185 sharing of resources shall be used to achieve the state's
 2186 management goals.

2187 (e) With limited dollars available for restoration,
 2188 enhancement, management, and acquisition of land and water areas
 2189 and for providing long-term management and capital improvements,
 2190 a competitive selection process shall ~~can~~ select those projects
 2191 best able to meet the goals of Florida Forever and maximize the
 2192 efficient use of the program's funding.

2193 (f) To ensure success and provide accountability to the
 2194 citizens of this state, it is the intent of the Legislature that
 2195 any cash bond or other proceeds used pursuant to this section be
 2196 used to implement the goals and objectives based on a
 2197 comprehensive science based assessment of Florida's natural

2198 resources developed pursuant to s. 259.032(3) that targets
 2199 essential conservation lands by prioritizing all current and
 2200 future acquisitions based on a uniform set of data established
 2201 by rules developed and adopted by the Acquisition and
 2202 Restoration Council, approved by the board of trustee, and
 2203 submitted to the legislature ~~recommended by the Florida Forever~~
 2204 ~~Advisory Council as approved by the Board of Trustees of the~~
 2205 ~~Internal Improvement Trust Fund and the Legislature.~~

2206 (g) As it has with previous land acquisition programs, the
 2207 Legislature recognizes the desires of the citizens of this state
 2208 to prosper through economic development and to restore, enhance,
 2209 manage and preserve the natural areas and recreational open
 2210 space of Florida. The Legislature further recognizes the urgency
 2211 of restoring, enhancing and managing the natural functions,
 2212 including wildlife and imperiled species habitat functions, of
 2213 public lands or water bodies before they are degraded to a point
 2214 where recovery may never occur, yet acknowledges the difficulty
 2215 of ensuring adequate funding for restoration, enhancement, and
 2216 management efforts in light of other equally critical financial
 2217 needs of the state. It is the Legislature's desire and intent to
 2218 fund the implementation of this section and to do so in a
 2219 fiscally responsible manner, by issuing bonds to be repaid with
 2220 documentary stamp tax revenue or other revenue sources, and by
 2221 establishing programs to accept and use mitigation and
 2222 conservation measures from public or private projects that may
 2223 be required under other state or federal programs to restore,
 2224 enhance, manage and preserve public lands as, among other

2225 things, imperiled species habitat and for the recovery or
 2226 reestablishment of imperiled species.

2227 (h) The Legislature further recognizes the important role
 2228 that many of our state and federal military installations
 2229 contribute to protecting and preserving Florida's natural
 2230 resources as well as our economic prosperity. Where the state's
 2231 land conservation plans overlap with the military's need to
 2232 protect lands, waters, and habitat to ensure the sustainability
 2233 of military missions, it is the Legislature's intent that
 2234 agencies receiving funds under this program cooperate with our
 2235 military partners to protect and buffer military installations
 2236 and military airspace, by:

2237 1. Protecting, acquiring, restoring and managing habitat
 2238 on nonmilitary land for any species found on military land that
 2239 is designated as threatened or endangered, or is a candidate for
 2240 such designation under the Endangered Species Act, commission
 2241 rules or any Florida statute, or for which has a management plan
 2242 approved by the commission;

2243 2. Providing the military with technical assistance to
 2244 restore, enhance and manage military land as habitat for
 2245 imperiled species or species designated as threatened or
 2246 endangered, or a candidate for such designation and for the
 2247 recovery or reestablishment of such species.

2248 3. 2. Protecting areas underlying low-level military air
 2249 corridors or operating areas; and

2250 4. 3. Protecting areas identified as clear zones, accident
 2251 potential zones, and air installation compatible use buffer
 2252 zones delineated by our military partners.

2253 (3) Less the costs of issuing and the costs of funding
 2254 reserve accounts and other costs associated with bonds, the
 2255 proceeds of bonds issued pursuant to this section, or cash
 2256 payments shall be deposited into the Florida Forever Trust Fund
 2257 created by s. 259.1051. The proceeds shall be distributed by the
 2258 Department of Environmental Protection in the following manner:

2259 (a) Thirty-five percent to the Department of Environmental
 2260 Protection for the acquisition of lands and capital project
 2261 expenditures necessary to implement the water management
 2262 districts' priority lists developed pursuant to s. 373.199. The
 2263 funds are to be distributed to the water management districts as
 2264 provided in subsection (11). A minimum of 50 percent of the
 2265 total funds provided over the life of the Florida Forever
 2266 program pursuant to this paragraph shall be used for the
 2267 acquisition of lands.

2268 (b) Thirty-five percent to the Department of Environmental
 2269 Protection for the acquisition, restoration, enhancement, and
 2270 management of lands and for capital project expenditures
 2271 described in this section and developed in a criteria based,
 2272 multi-tiered, goal-oriented program. Of the proceeds distributed
 2273 pursuant to this paragraph, it is the intent of the Legislature
 2274 that an increased priority be given to those acquisitions which
 2275 achieve a combination of conservation goals, including
 2276 protecting Florida's water resources ~~and,~~ providing support for
 2277 developing alternative water supplies as defined in s.373.109,
 2278 natural groundwater recharge, and the restoration, enhancement,
 2279 restocking and management of habitat for imperiled species. At a
 2280 minimum, 3 percent, and no more than 10 percent, of the funds

2281 allocated pursuant to this paragraph, shall be spent on capital
 2282 project expenditures identified during the time of acquisition
 2283 that meets land management planning activities necessary for
 2284 public access ~~Capital project expenditures may not exceed 10~~
 2285 ~~percent of the funds allocated pursuant to this paragraph.~~

2286 (c) Twenty-two percent to the Department of Community
 2287 Affairs for use by the Florida Communities Trust for the
 2288 purposes of part III of chapter 380, as described and limited by
 2289 this subsection, and grants to local governments or nonprofit
 2290 environmental organizations that are tax-exempt under s.
 2291 501(c) (3) of the United States Internal Revenue Code for the
 2292 acquisition of community-based projects, urban open spaces,
 2293 parks, habitat for imperiled species, and greenways to implement
 2294 local government comprehensive plans. From funds available to
 2295 the trust and used for land acquisition, 75 percent shall be
 2296 matched by local governments on a dollar-for-dollar basis. The
 2297 Legislature intends that the Florida Communities Trust emphasize
 2298 funding projects in low-income or otherwise disadvantaged
 2299 communities. At least 30 percent of the total allocation
 2300 provided to the trust shall be used in Standard Metropolitan
 2301 Statistical Areas, but one-half of that amount shall be used in
 2302 localities in which the project site is located in built-up
 2303 commercial, industrial, or mixed-use areas and functions to
 2304 intersperse open spaces within congested urban core areas. From
 2305 funds allocated to the trust, no less than 5 percent shall be
 2306 used to acquire lands for recreational trail systems, provided
 2307 that in the event these funds are not needed for such projects,
 2308 they will be available for other trust projects. Local

2309 governments may use federal grants or loans, private donations,
 2310 or environmental mitigation funds, including environmental
 2311 mitigation funds required pursuant to s. 338.250, for any part
 2312 or all of any local match required for acquisitions funded
 2313 through the Florida Communities Trust. Any lands purchased by
 2314 nonprofit organizations using funds allocated under this
 2315 paragraph must provide for such lands to remain permanently in
 2316 public use through a reversion of title to local or state
 2317 government, conservation easement, or other appropriate
 2318 mechanism. Projects funded with funds allocated to the Trust
 2319 shall be selected in a competitive process measured against
 2320 criteria adopted in rule by the Trust. Lands acquired using
 2321 funds allocated under this paragraph which include imperiled
 2322 species habitat must be restored and managed to advance the goal
 2323 and objectives of Fish and Wildlife Commission approved
 2324 management plans or in accordance with technical assistance
 2325 provided by the .

2326 (d) Two percent to the Department of Environmental
 2327 Protection for grants pursuant to s. 375.075. Lands acquired
 2328 using funds allocated under this paragraph which include
 2329 imperiled species habitat must be restored and managed to
 2330 advance the goal and objectives of Fish and Wildlife Commission
 2331 approved management plans or in accordance with technical
 2332 assistance provided by the .

2333 (e) One and five-tenths percent to the Department of
 2334 Environmental Protection for the purchase of inholdings and
 2335 additions to state parks and for capital project expenditures,
 2336 including land restoration, enhancement and management costs,

2337 as described in this section. At a minimum, 1 percent, and no
 2338 more than 10 percent, of the funds allocated pursuant to this
 2339 paragraph, shall be spent on capital project expenditures
 2340 identified during the time of acquisition that meets land
 2341 management planning activities necessary for public access
 2342 ~~Capital project expenditures may not exceed 10 percent of the~~
 2343 ~~funds allocated under this paragraph.~~ For the purposes of this
 2344 paragraph, "state park" means any real property in the state
 2345 which is under the jurisdiction of the Division of Recreation
 2346 and Parks of the department, or which may come under its
 2347 jurisdiction. Lands acquired using funds allocated under this
 2348 paragraph which include imperiled species habitat must be
 2349 restored and managed to advance the goals and objectives of Fish
 2350 and Wildlife Commission approved management plans or in
 2351 accordance with technical assistance provided by the .

2352 (f) One and five-tenths percent to the ~~Division of~~
 2353 ~~Forestry of the~~ Department of Agriculture and Consumer Services
 2354 to fund easements pursuant to s. 570.71(2)(a) and (b), the
 2355 acquisition of state forest inholdings and additions pursuant to
 2356 s. 589.07, the implementation of reforestation plans or
 2357 sustainable forestry management practices, and for capital
 2358 project expenditures, including land restoration, enhancement
 2359 and management costs, as described in this section. At a
 2360 minimum, 1 percent, and no more than 10 percent, of the funds
 2361 allocated for the acquisition of inholdings and additions
 2362 pursuant to this paragraph, shall be spent on capital project
 2363 expenditures identified during the time of acquisition that
 2364 meets land management planning activities necessary for public

2365 ~~access Capital project expenditures may not exceed 10 percent of~~
 2366 ~~the funds allocated under this paragraph.~~

2367 (g) One and five-tenths percent to the to fund the
 2368 acquisition ~~of~~, restoration, enhancement and management of
 2369 lands, imperiled species habitat, inholdings, and additions to
 2370 lands managed by the commission which are important to the
 2371 conservation of fish and wildlife and for capital project
 2372 expenditures as described in this section. Beginning July 1,
 2373 2008 and ending June 30, 2010, up to 50 percent of the total
 2374 funds provided pursuant to this paragraph shall be used to
 2375 protect, manage, or restore habitat for native or imperiled
 2376 species. At a minimum, 1 percent, and no more than 10 percent,
 2377 of the funds allocated pursuant to this paragraph, shall be
 2378 spent on capital project expenditures identified during the time
 2379 of acquisition that meets land management planning activities
 2380 necessary for public access ~~Capital project expenditures may not~~
 2381 ~~exceed 10 percent of the funds allocated under this paragraph.~~

2382 (h) One and five-tenths percent to the Department of
 2383 Environmental Protection for the Florida Greenways and Trails
 2384 Program, to acquire greenways and trails or greenways and trail
 2385 systems pursuant to chapter 260, including, but not limited to,
 2386 abandoned railroad rights-of-way and the Florida National Scenic
 2387 Trail and for capital project expenditures , including land
 2388 restoration, enhancement and management costs, as described in
 2389 this section. Capital project expenditures may not exceed 10
 2390 percent of the funds allocated under this paragraph.

2391 (i) It is the intent of the Legislature that proceeds of
 2392 Florida Forever bonds distributed under this section shall be

2393 expended in an efficient and fiscally responsible manner. An
 2394 agency that receives proceeds from Florida Forever bonds under
 2395 this section may not maintain a balance of unencumbered funds in
 2396 its Florida Forever subaccount beyond 3 fiscal years from the
 2397 date of deposit of funds from each bond issue. Any funds that
 2398 have not been expended or encumbered after 3 fiscal years from
 2399 the date of deposit shall be distributed by the Legislature at
 2400 its next regular session for use in the Florida Forever program.

2401 (j) For the purposes of paragraphs (d), (e), (f), and (g),
 2402 the agencies which receive the funds shall develop their
 2403 individual acquisition or restoration lists based on a
 2404 comprehensive science based assessment of Florida's natural
 2405 resources developed pursuant to s. 259.032(3) that targets
 2406 essential conservation lands by prioritizing all current and
 2407 future acquisitions based on a uniform set of data established
 2408 by rules developed and adopted by the Acquisition and
 2409 Restoration Council, approved by the board of trustee, and
 2410 submitted to the legislature. Proposed additions may be acquired
 2411 if they are identified within the original project boundary, the
 2412 management plan required pursuant to s. 253.034(5), or the
 2413 management prospectus required pursuant to s. 259.032(9) (d), or
 2414 contains imperiled species habitat the acquisition, restoration
 2415 or management plans. Proposed additions not meeting the
 2416 requirements of this paragraph shall be submitted to the
 2417 Acquisition and Restoration Council for approval. The council
 2418 may only approve the proposed addition if it meets two or more
 2419 of the following criteria: serves as a link or corridor to other
 2420 publicly owned property; enhances the protection or management

2421 of the property; would add a desirable resource to the property,
 2422 including the provision of habitat for imperiled species; would
 2423 create a more manageable boundary configuration; has a high
 2424 resource value that otherwise would be unprotected or that may
 2425 be enhanced through the implementation or imperiled species
 2426 management plans; or can be acquired at less than fair market
 2427 value.

2428 (4) It is the intent of the Legislature that projects or
 2429 acquisitions funded pursuant to paragraphs (3) (a) and (b)
 2430 contribute to the achievement of the following goals based on a
 2431 comprehensive science based assessment of Florida's natural
 2432 resources developed pursuant to s. 259.032(3) that targets
 2433 essential conservation lands by prioritizing all current and
 2434 future acquisitions based on a uniform set of data established
 2435 by rules developed and adopted by the Acquisition and
 2436 Restoration Council, approved by the board of trustee, and
 2437 submitted to the legislature:

2438 (a) Enhance the coordination and completion of land
 2439 acquisition projects, as measured by:

2440 1. The number of acres acquired, restored, enhanced and
 2441 managed through the state's land acquisition programs that
 2442 contribute to enhancement of essential natural resources,
 2443 ecosystem service parcels, and connecting linkage corridors as
 2444 identified and developed by the best available scientific
 2445 analysis ~~the completion of Florida Preservation 2000 projects or~~
 2446 ~~projects begun before Preservation 2000;~~

2447 2. The number of acres protected, restored, enhanced and
 2448 managed through the use of alternatives to fee simple
 2449 acquisition; or

2450 3. The number of shared acquisition projects among Florida
 2451 Forever funding partners and partners with other funding
 2452 sources, including local governments, private entities, and the
 2453 Federal Government.

2454 (b) Increase the protection of Florida's biodiversity at
 2455 the species, natural community, and landscape levels, as
 2456 measured by:

2457 1. The number of acres acquired of significant strategic
 2458 habitat conservation areas;

2459 2. The number of acres acquired of highest priority
 2460 conservation areas for Florida's rarest species;

2461 3. The number of acres acquired of significant landscapes,
 2462 landscape linkages, and conservation corridors, giving priority
 2463 to completing linkages;

2464 4. The number of acres acquired of underrepresented native
 2465 ecosystems;

2466 5. The number of landscape-sized protection areas of at
 2467 least 50,000 acres that exhibit a mosaic of predominantly intact
 2468 or restorable natural communities established through new
 2469 acquisition projects or augmentations to previous projects; or

2470 6. The percentage increase in the number of occurrences of
 2471 endangered species, threatened species, or species of special
 2472 concern on publicly managed conservation areas.

2473 7. The number of acres which represent actual or potential
 2474 imperiled species habitat; and,

2475 8. The number of acres which are subject to a management
 2476 plan to restore, enhance restock and manage imperiled species
 2477 habitat, and the number of acres of imperiled species habitat
 2478 restored, restocked or enhanced, and are managed that advance
 2479 the goals and objectives of commission approved management
 2480 plans.

2481 (c) Protect, restore, and maintain the quality and natural
 2482 functions of land, water, and wetland systems of the state, as
 2483 measured by:

2484 1. The number of acres of publicly owned land identified
 2485 as needing restoration, enhancement and management, acres
 2486 undergoing restoration or enhancement, and acres with
 2487 restoration or enhancement activities completed, and acres
 2488 managed to maintain such restored or enhanced conditions;

2489 2. The percentage of water segments that fully meet,
 2490 partially meet, or do not meet their designated uses as reported
 2491 in the Department of Environmental Protection's State Water
 2492 Quality Assessment 305(b) Report;

2493 3. The percentage completion of targeted capital
 2494 improvements in surface water improvement and management plans
 2495 created under s. 373.453(2), regional or master stormwater
 2496 management system plans, or other adopted restoration plans;

2497 4. The number of acres acquired that protect natural
 2498 floodplain functions;

2499 5. The number of acres acquired that protect surface
 2500 waters of the state;

2501 6. The number of acres identified for acquisition to
 2502 minimize damage from flooding and the percentage of those acres
 2503 acquired~~7, restored, enhanced and management;~~

2504 7. The number of acres acquired that protect fragile
 2505 coastal resources;

2506 8. The number of acres of functional wetland systems
 2507 protected;

2508 9. The percentage of miles of critically eroding beaches
 2509 contiguous with public lands that are restored or protected from
 2510 further erosion;

2511 10. The percentage of public lakes and rivers in which
 2512 invasive, nonnative aquatic plants are under maintenance
 2513 control; or

2514 11. The number of acres of public conservation lands in
 2515 which upland invasive, exotic plants are under maintenance
 2516 control.

2517 12. The number of acres acquired, restored, enhanced or
 2518 managed that serve as habitat for imperiled species which
 2519 advance the goals and objectives of commission approved plans.

2520 (d) Ensure that sufficient quantities of water are
 2521 available to meet the current and future needs of natural
 2522 systems and the citizens of the state, as measured by:

2523 1. The number of acres acquired which provide retention
 2524 and storage of surface water in naturally occurring storage
 2525 areas, such as lakes and wetlands, consistent with the
 2526 maintenance of water resources or water supplies and consistent
 2527 with district water supply plans;

2528 2. The quantity of water made available through the water
 2529 resource development component of a district water supply plan
 2530 for which a water management district is responsible; or

2531 3. The number of acres acquired of groundwater recharge
 2532 areas critical to springs, sinks, aquifers, other natural
 2533 systems, or water supply.

2534 (e) Increase natural resource-based public recreational
 2535 and educational opportunities, as measured by:

2536 1. The number of acres acquired that are available for
 2537 natural resource-based public recreation or education;

2538 2. The miles of trails that are available for public
 2539 recreation, giving priority to those that provide significant
 2540 connections including those that will assist in completing the
 2541 Florida National Scenic Trail; or

2542 3. The number of new resource-based recreation facilities,
 2543 by type, made available on public land.

2544 4. The means in which support is provided for the
 2545 development of alternative water supply projects as defined in
 2546 s.373.109.

2547 (f) Preserve significant archaeological or historic sites,
 2548 as measured by:

2549 1. The increase in the number of and percentage of
 2550 historic and archaeological properties listed in the Florida
 2551 Master Site File or National Register of Historic Places which
 2552 are protected or preserved for public use; or

2553 2. The increase in the number and percentage of historic
 2554 and archaeological properties that are in state ownership.

2555 (g) Increase the amount of forestland available for
 2556 sustainable management of natural resources, including imperiled
 2557 species, as measured by:

2558 1. The number of acres acquired that are available for
 2559 sustainable forest management;

2560 2. The number of acres of state-owned forestland managed
 2561 for economic return in accordance with current best management
 2562 practices;

2563 3. The number of acres of forestland acquired that will
 2564 serve to maintain natural groundwater recharge functions; or

2565 4. The number of acres of forestland which serves as
 2566 habitat or potential habitat for imperiled species and which
 2567 advance the goals and objectives of commission approved
 2568 management plans; or

2569 5. The percentage and number of acres identified for
 2570 restoration actually restored by reforestation.

2571 (h) Increase the amount of open space available in urban
 2572 areas, as measured by:

2573 1. The percentage of local governments that participate in
 2574 land acquisition programs and acquire open space in urban cores;
 2575 or

2576 2. The percentage and number of acres of purchases of open
 2577 space within urban service areas.

2578
 2579 Florida Forever projects and acquisitions funded pursuant to
 2580 paragraph (3)(c) shall be measured by goals developed by rule by
 2581 the Florida Communities Trust Governing Board created in s.
 2582 380.504.

2583 (5) (a) All lands acquired, restored, enhanced or managed
 2584 pursuant to this section shall be managed for multiple-use
 2585 purposes, where compatible with the resource values of and
 2586 management objectives for such lands. As used in this section,
 2587 "multiple-use" includes, but is not limited to, outdoor
 2588 recreational activities as described in ss. 253.034 and
 2589 259.032(9)(b), water resource development projects, imperiled
 2590 species habitat restoration, enhancement, restocking and
 2591 management, including actions which advance the goal and
 2592 objectives of commission approved management plans, and
 2593 sustainable forestry management.

2594 (b) Upon a decision by the entity in which title to lands
 2595 acquired pursuant to this section has vested, such lands may be
 2596 designated single use as defined in s.253.034(2)(b). Concurrence
 2597 in such designation from the commission is required if all or a
 2598 portion such land is habitat for imperiled species.

2599 (6) As provided in this section, a water resource or water
 2600 supply development project may be allowed only if the following
 2601 conditions are met: minimum flows and levels have been
 2602 established for those waters, if any, which may reasonably be
 2603 expected to experience significant harm to water resources as a
 2604 result of the project; the project complies with all applicable
 2605 permitting requirements; and the project is consistent with the
 2606 regional water supply plan, if any, of the water management
 2607 district and with relevant recovery or prevention strategies if
 2608 required pursuant to s. 373.0421(2).

2609 (7) (a) Beginning no later than July 1, 2001, and every
 2610 year thereafter, the Acquisition and Restoration Council shall
 2611 accept applications from state agencies, local governments,
 2612 nonprofit and for-profit organizations, private land trusts, and
 2613 individuals for project proposals eligible for funding pursuant
 2614 to paragraph (3) (b). The council shall evaluate the proposals
 2615 received pursuant to this subsection to ensure that they meet at
 2616 least one of the criteria under subsection (9).

2617 (b) Project applications shall contain, at a minimum, the
 2618 following:

2619 1. A minimum of two numeric performance measures that
 2620 directly relate to the overall goals adopted by the council.
 2621 Each performance measure shall include a baseline measurement,
 2622 which is the current situation; a performance standard which the
 2623 project sponsor anticipates the project will achieve; and the
 2624 performance measurement itself, which should reflect the
 2625 incremental improvements the project accomplishes towards
 2626 achieving the performance standard. Projects that include
 2627 imperiled species habitat shall include performance measures
 2628 developed by or in coordination with the commission to restore,
 2629 enhance, restock and manage such habitat and to advance the
 2630 goals and objectives of commission approved management plans.

2631 2. Proof that property owners within any proposed
 2632 acquisition have been notified of their inclusion in the
 2633 proposed project. Any property owner may request the removal of
 2634 such property from further consideration by submitting a request
 2635 to the project sponsor or the Acquisition and Restoration

2636 Council by certified mail. Upon receiving this request, the
 2637 council shall delete the property from the proposed project;
 2638 however, the board of trustees, at the time it votes to approve
 2639 the proposed project lists pursuant to subsection (16), may add
 2640 the property back on to the project lists if it determines by a
 2641 super majority of its members that such property is critical to
 2642 achieve the purposes of the project.

2643 (c) The title to lands acquired under this section shall
 2644 vest in the Board of Trustees of the Internal Improvement Trust
 2645 Fund, except that title to lands acquired by a water management
 2646 district shall vest in the name of that district and lands
 2647 acquired by a local government shall vest in the name of the
 2648 purchasing local government. For lands acquired under this
 2649 section by a local government which were designated as being
 2650 acquired for conservation purposes and which are determined to
 2651 be no longer needed for conservation purposes, the local
 2652 government shall convey title to the land to the Board of
 2653 Trustees. For lands acquired under this section by a water
 2654 management district which were designated as being acquired for
 2655 conservation purposes and which are determined to be no longer
 2656 needed for conservation purposes in accordance with ss. 373.159
 2657 (6) (c), the water management district shall not dispose of the
 2658 land until they afford an opportunity to the county in which the
 2659 land is situated and the Board of Trustees to acquire the land.
 2660 The county shall first be afforded the opportunity under the
 2661 provisions of ss. 253.111. If the county declines to acquire
 2662 the land in accord with those provisions, the land shall be
 2663 offered to the Board of Trustees to acquire the land.

2664 (8) The Acquisition and Restoration Council shall develop
 2665 a project list that shall represent those projects submitted
 2666 pursuant to subsection (7).

2667 (9) The Acquisition and Restoration Council shall adopt an
 2668 annual workplan that provides a priority ranking for ~~recommend~~
 2669 ~~rules for adoption by the board of trustees to competitively~~
 2670 ~~evaluate, select, and rank~~ projects eligible for Florida Forever
 2671 funds pursuant to paragraph (3) (b) and for additions to the
 2672 Conservation and Recreation Lands list pursuant to ss. 259.032
 2673 and 259.101(4). In developing the workplan ~~these proposed rules,~~
 2674 the Acquisition and Restoration Council shall give weight to the
 2675 following criteria:

2676 (a) The project meets multiple goals described in
 2677 subsection (4).

2678 (b) The project is part of an ongoing governmental effort
 2679 to restore, protect, manage or develop land areas or water
 2680 resources.

2681 (c) The project enhances or facilitates restoration,
 2682 enhancement or management of properties already under public
 2683 ownership.

2684 (d) The project has significant archaeological or historic
 2685 value.

2686 (e) The project includes the acquisition, restoration,
 2687 enhancement, restocking or management of habitat for imperiled
 2688 species, land designated by the commission as important for
 2689 imperiled species recovery, or lands which advances the goal and
 2690 objectives of commission approved management plans.

2691 (f) The project has funding sources that are identified
 2692 and assured through at least the first 2 years of the project.

2693 ~~(f)~~ (g) The project contributes to the solution of ~~water~~
 2694 resource problems on a regional basis.

2695 ~~(g)~~ (h) The project has a significant portion of its land
 2696 area in imminent danger of development, in imminent danger of
 2697 losing its significant natural attributes or recreational open
 2698 space, or in imminent danger of subdivision which would result
 2699 in multiple ownership and make acquisition of the project costly
 2700 or less likely to be accomplished.

2701 ~~(h)~~ (i) The project implements an element from a plan
 2702 developed by an ecosystem management team, or advances the goals
 2703 and objectives of commission approved management plans.

2704 ~~(i)~~ (j) The project is one of the components of the
 2705 Everglades restoration effort.

2706 ~~(j)~~ (k) The project may be purchased at 80 percent of
 2707 appraised value.

2708 ~~(k)~~ (l) The project may be acquired, in whole or in part,
 2709 using tax incentives, mitigation funds or other revenues, and
 2710 alternatives to fee simple, including but not limited to,
 2711 purchase of development rights, hunting rights, agricultural or
 2712 silvicultural rights, or mineral rights or obtaining
 2713 conservation easements or flowage easements.

2714 ~~(l)~~ (m) The project is a joint acquisition, either among
 2715 public agencies, nonprofit organizations, or private entities,
 2716 or by a public-private partnership, including the use of public
 2717 or private mitigation or conservation funding as provided in s.
 2718 259.105 (2) (b) .

2719 (10) The Acquisition and Restoration Council shall give
 2720 increased priority to those projects for which matching funds or
 2721 mitigation or conservation funding from public or private
 2722 projects are available and to project elements previously
 2723 identified on an acquisition list pursuant to this section that
 2724 can be acquired at 80 percent or less of appraised value. The
 2725 council shall also give increased priority to those projects
 2726 where the state's land conservation plans overlap with the
 2727 military's need to protect lands, water, and habitat to ensure
 2728 the sustainability of military missions including:

2729 (a) ~~Protecting~~Acquiring, restoring, enhancing, restocking
 2730 or managing habitat on nonmilitary land for any species found on
 2731 military land that is designated as imperiled, threatened or
 2732 endangered, or is a candidate for such designation under the
 2733 Endangered Species Act~~or,~~ any Florida statute, or commission
 2734 rule, or for which a management plan has been approved by the
 2735 commission;

2736 (b) Protecting areas underlying low-level military air
 2737 corridors or operating areas; and

2738 (c) Protecting areas identified as clear zones, accident
 2739 potential zones, and air installation compatible use buffer
 2740 zones delineated by our military partners, and for which federal
 2741 or other funding is available to assist with the project.

2742 (11) For the purposes of funding projects pursuant to
 2743 paragraph (3) (a), the Secretary of Environmental Protection
 2744 shall ensure that each water management district receives the
 2745 following percentage of funds annually:

2746 (a) Thirty-five percent to the South Florida Water
 2747 Management District, ~~of which amount \$25 million for 2 years~~
 2748 ~~beginning in fiscal year 2000-2001 shall be transferred by the~~
 2749 ~~Department of Environmental Protection into the Save Our~~
 2750 ~~Everglades Trust Fund and shall be used exclusively to implement~~
 2751 ~~the comprehensive plan under s. 373.470.~~

2752 (b) Twenty-five percent to the Southwest Florida Water
 2753 Management District.

2754 (c) Twenty-five percent to the St. Johns River Water
 2755 Management District.

2756 (d) Seven and one-half percent to the Suwannee River Water
 2757 Management District.

2758 (e) Seven and one-half percent to the Northwest Florida
 2759 Water Management District.

2760 (12) It is the intent of the Legislature that in
 2761 developing the list of projects for funding pursuant to
 2762 paragraph (3)(a), that these funds not be used to abrogate the
 2763 financial responsibility of those point and nonpoint sources
 2764 that have contributed to the degradation of water or land areas.
 2765 Therefore, an increased priority shall be given by the water
 2766 management district governing boards to those projects that have
 2767 secured a cost-sharing agreement allocating responsibility for
 2768 the cleanup of point and nonpoint sources.

2769 (13) An affirmative vote of five members of the
 2770 Acquisition and Restoration Council shall be required in order
 2771 to place a proposed project on the list developed pursuant to
 2772 subsection (8). Any member of the council who by family or a
 2773 business relationship has a connection with any project proposed

2774 to be ranked shall declare such interest prior to voting for a
 2775 project's inclusion on the list.

2776 (14) Each year that cash disbursements or bonds are to be
 2777 issued pursuant to this section, the Acquisition and Restoration
 2778 Council shall review the most current approved project list and
 2779 shall, by the first board meeting in May, present to the Board
 2780 of Trustees of the Internal Improvement Trust Fund for approval
 2781 a listing of projects developed pursuant to subsection (8). The
 2782 board of trustees may remove projects from the list developed
 2783 pursuant to this subsection, but may not add projects or
 2784 rearrange project rankings.

2785 (15) The Acquisition and Restoration Council shall submit
 2786 to the board of trustees, with its list of projects, a report
 2787 that includes, but shall not be limited to, the following
 2788 information for each project listed:

2789 (a) The stated purpose for inclusion.

2790 (b) Projected costs to achieve the project goals.

2791 (c) An interim management budget— which must include
 2792 capital expenditure projects for imperiled species habitat
 2793 restoration, enhancement and restocking.

2794 (d) Specific performance measures—, including performance
 2795 measures for restoration, enhancement and management of
 2796 imperiled species habitat.

2797 (e) Plans for public access.

2798 (f) An identification of the essential parcel or parcels
 2799 within the project without which the project cannot be properly
 2800 managed.

2801 (g) Where applicable, an identification of those projects
 2802 or parcels within projects which should be acquired in fee
 2803 simple or in less than fee simple.

2804 (h) An identification of those lands being purchased for
 2805 conservation purposes, including imperiled species habitat.

2806 (i) A management policy statement for the project and a
 2807 management prospectus pursuant to s. 259.032(9) (d) and for
 2808 projects that include imperiled species habitat, a management
 2809 plan with performance measures and implementation costs
 2810 developed by or in coordination with the commission to restore,
 2811 enhance, restock and manage such habitat and to advance the
 2812 goals and objectives of commission approved management plans.

2813 . (j) An estimate of land value based on county tax assessed
 2814 values.

2815 (k) A map delineating project boundaries.

2816 (l) An assessment of the project's ecological value,
 2817 outdoor recreational value, forest resources, wildlife resources
 2818 including imperiled species habitat, ownership pattern,
 2819 utilization, and location.

2820 (m) A discussion of whether alternative uses are proposed
 2821 for the property and what those uses are.

2822 (n) A designation of the management agency or agencies, ~~,~~
 2823 which shall include the commission for projects that contain any
 2824 imperiled species habitat.

2825 (16) All proposals for projects pursuant to paragraph
 2826 (3) (b) or subsection (20) shall be implemented only if adopted
 2827 by the Acquisition and Restoration Council and approved by the

2828 board of trustees. The council shall consider and evaluate in
 2829 writing the merits and demerits of each project that is proposed
 2830 for Florida Forever funding and each proposed addition to the
 2831 Conservation and Recreation Lands list program. The council
 2832 shall ensure that each proposed project will meet a stated
 2833 public purpose for the restoration, conservation, ~~or~~ management
 2834 and preservation of environmentally sensitive lands,
 2835 specifically including imperiled species habitats and water
 2836 areas or for providing outdoor recreational opportunities and
 2837 that each proposed addition to the Conservation and Recreation
 2838 Lands list will meet the public purposes under s. 259.032(3)
 2839 and, when applicable, s. 259.101(4). The council also shall
 2840 determine whether the project or addition conforms, where
 2841 applicable, with the comprehensive plan developed pursuant to s.
 2842 259.04(1)(a), the comprehensive multipurpose outdoor recreation
 2843 plan developed pursuant to s. 375.021, the state lands
 2844 management plan adopted pursuant to s. 253.03(7), the water
 2845 resources work plans developed pursuant to s. 373.199,
 2846 commission approved management plans, and the provisions of this
 2847 section.

2848 (17)

2849 (a) The Board of Trustees of the Internal Improvement
 2850 Trust Fund, or, in the case of water management district lands,
 2851 the owning water management district, may authorize the granting
 2852 of a lease, easement, or license for the use of certain lands
 2853 acquired pursuant to this section, for certain uses that are
 2854 determined by the appropriate board to be compatible with the
 2855 resource values of and management objectives for such lands.

2856 (b) Any existing lease, easement, or license acquired for
 2857 incidental public or private use on, under, or across any lands
 2858 acquired pursuant to this section shall be presumed to be
 2859 compatible with the purposes for which such lands were acquired.

2860 (c) Notwithstanding the provisions of paragraph (a), no
 2861 such lease, easement, or license shall be entered into by the
 2862 Department of Environmental Protection or other appropriate
 2863 state agency if the granting of such lease, easement, or license
 2864 would adversely affect the exclusion of the interest on any
 2865 revenue bonds issued to fund the acquisition of the affected
 2866 lands from gross income for federal income tax purposes,
 2867 pursuant to Internal Revenue Service regulations.

2868 (18) The Acquisition and Restoration Council shall
 2869 recommend adoption of rules by the board of trustees necessary
 2870 to implement the provisions of this section relating to:
 2871 solicitation, scoring, selecting, and ranking of Florida Forever
 2872 project proposals; disposing of or leasing lands or water areas
 2873 selected for funding through the Florida Forever program; and
 2874 the process of reviewing and recommending for approval or
 2875 rejection the land restoration, enhancement, restocking and
 2876 management plans associated with publicly owned properties.
 2877 Rules promulgated pursuant to this subsection shall be submitted
 2878 to the President of the Senate and the Speaker of the House of
 2879 Representatives, for review by the Legislature, no later than 30
 2880 days prior to the 2010 ~~2001~~ Regular Session and shall become
 2881 effective only after legislative review. In its review, the
 2882 Legislature may reject, modify, or take no action relative to
 2883 such rules. The board of trustees shall conform such rules to

2884 changes made by the Legislature, or, if no action was taken by
 2885 the Legislature, such rules shall become effective.

2886 (19) Lands listed as projects for acquisition, restoration
 2887 or management under the Florida Forever program may be managed
 2888 for conservation pursuant to s. 259.032, on an interim basis by
 2889 a private party in anticipation of a state purchase, or on a
 2890 permanent basis after state purchase, in accordance with a
 2891 contractual arrangement between the acquiring agency and the
 2892 private party that may include management service contracts,
 2893 leases, cost-share arrangements, or resource conservation
 2894 agreements. Lands designated as eligible under this subsection
 2895 shall be restored and managed to maintain, restore or enhance
 2896 the resources the state, including imperiled species habitat, is
 2897 seeking to protect by acquiring the land and to accelerate
 2898 public access to the lands as soon as practicable. Funding for
 2899 these contractual arrangements may originate from the
 2900 documentary stamp tax revenue deposited into the Conservation
 2901 and Recreation Lands Trust Fund and Water Management Lands Trust
 2902 Fund. No more than 5 percent of funds allocated under the trust
 2903 funds shall be expended for this purpose. In addition, funding
 2904 obtained form sources as provided in s.259.105(2)(b) shall be
 2905 deposited into the Land Acquisition Trust Fund.

2906 (20) ~~The Acquisition and Restoration Council, as~~
 2907 ~~successors to the Land Acquisition and Management Advisory~~
 2908 ~~Council, may amend existing Conservation and Recreation Lands~~
 2909 ~~projects and add to or delete from the 2000 Conservation and~~
 2910 ~~Recreation Lands list until funding for the Conservation and~~

2911 ~~Recreation Lands program has been expended. The amendments to~~
 2912 ~~the 2000 Conservation and Recreation Lands list will be reported~~
 2913 ~~to the board of trustees in conjunction with the council's~~
 2914 ~~report developed pursuant to subsection (15). The use of rural-~~
 2915 ~~lands-protection easements as described in s. 570.71(3) is~~
 2916 ~~encouraged as a way to maintain working lands while furthering~~
 2917 ~~the goals of this chapter, and rural lands stewardship areas~~
 2918 ~~described in s.163.3177(11) (d) .~~

2919 Section 16. Section 259.1051, Florida Statutes, is amended
 2920 to read:

2921 259.1051 Florida Forever Trust Fund.--

2922 (1) There is created the Florida Forever Trust Fund to
 2923 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 2924 375.031. The Florida Forever Trust Fund shall be held and
 2925 administered by the Department of Environmental Protection.
 2926 Proceeds from the sale of bonds, except proceeds of refunding
 2927 bonds, issued under s. 215.618 and payable from moneys
 2928 transferred to the Land Acquisition Trust Fund under s.
 2929 201.15(1) (a), not to exceed \$6 ~~3~~ billion, must be deposited into
 2930 this trust fund to be distributed and used as provided in s.
 2931 259.105(3). The bond resolution adopted by the governing board
 2932 of the Division of Bond Finance of the State Board of
 2933 Administration may provide for additional provisions that govern
 2934 the disbursement of the bond proceeds.

2935 (2) The Department of Environmental Protection shall
 2936 distribute revenues from the Florida Forever Trust Fund only to
 2937 programs of state agencies or local governments as set out in s.
 2938 259.105(3) or as provided in s. 259.1052. Excluding

2939 distributions to the Save Our Everglades Trust Fund and
 2940 distributions for the acquisition of the Babcock Crescent B
 2941 Ranch Florida Forever acquisition as provided in s. 259.1052,
 2942 the distributions shall be spent by the recipient within 90 days
 2943 after the date on which the Department of Environmental
 2944 Protection initiates the transfer.

2945 (3) The Department of Environmental Protection shall
 2946 ensure that the proceeds from the sale of bonds issued under s.
 2947 215.618 and payable from moneys transferred to the Land
 2948 Acquisition Trust Fund under s. 201.15(1)(a) shall be
 2949 administered and expended in a manner that ensures compliance of
 2950 each issue of bonds that are issued on the basis that interest
 2951 thereon will be excluded from gross income for federal income
 2952 tax purposes, with the applicable provisions of the United
 2953 States Internal Revenue Code and the regulations promulgated
 2954 thereunder, to the extent necessary to preserve the exclusion of
 2955 interest on the bonds from gross income for federal income tax
 2956 purposes. The Department of Environmental Protection shall
 2957 administer the use and disbursement of the proceeds of such
 2958 bonds or require that the use and disbursement thereof be
 2959 administered in a manner to implement strategies to maximize any
 2960 available benefits under the applicable provisions of the United
 2961 States Internal Revenue Code or regulations promulgated
 2962 thereunder, to the extent not inconsistent with the purposes
 2963 identified in s. 259.105(3).

2964 Section 17. All of the statutory powers, duties and
 2965 functions, records, personnel, property, and unexpended balances
 2966 of appropriations, allocations, or other funds for the

2967 administration of sections 380.501 through 380.515, Florida
2968 Statutes, related to the Florida Communities Trust, shall be
2969 transferred by a type two transfer, as defined in s. 20.06(2)
2970 from the Department of Community Affairs to the Department of
2971 Environmental Protection.

2972 Section 18. This act shall take effect July 1, 2008.

